



























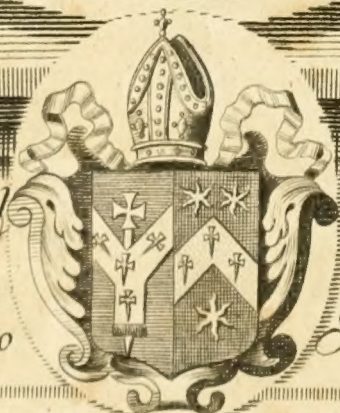
Handwritten text, likely a signature or inscription, located below the portrait. The text is written in a cursive script and is partially obscured by the faded background pattern. It appears to be a Latin inscription, possibly identifying the subject of the portrait.





*R. White sculp.*

*William Laud  
of Canterbury  
Privy Councilor to*



*Lord Arch. Bishop  
his Grace  
King Charles y<sup>e</sup> J.<sup>st</sup>*



# Historical Collections

For the Year 1639.

## *The Arch-Bishop of Canterbury's Diary.*

*March 27.*



*Wednesday*, Coronation day, King Charles took his Journey Northwards against the Scottish Covenanting-Rebels. God of his infinite Mercy bless him with Health and Success.

*April 3. Wednesday*, Before the King's going, I settled with him a great Business for the Queen, which I understood she would never move for her self. The Queen gave me great thanks; and this day I waited purposely on her, to give her thanks for her gracious acceptance. She was pleased to be very free with me, and to promise me *freedom*.

*April 29. Monday*, This day the King went from York towards Newcastle, but stays at Durham for a week at least.

*May 28.* His Majesty encamped two miles West from Berwick by Tweed.

*June 4. Whitsun-Tuesday*, As I was going to do my Duty to the Queen, an Officer of the Lord Mayors met me, and delivered me two very Seditious Papers, the one to the Lord Mayor and Aldermen, the other to excite the Apprentices, &c. both subscribed by John Lilburn a Prisoner in the Fleet, sentenced in Star-Chamber, &c.

*June 5. Wednesday*, I delivered both these to the Lords of the Council.

*June 15. Saturday*, and *June 17. Monday*, The Peace concluded between the King and Scottish Rebels; God make it safe and honourable to the King and Kingdom.

*June 28. Friday*, I sent the remainder of my Manuscripts to Oxford, being in number 576, and about a hundred of them were Hebrew, Greek, Arabick, and Persian; I had formerly sent them above 700 Volumes.

*August 1. Thursday*, His Majesty came back from the Northern Journey to Theobalds, and to Whitehall.

*August 3. Saturday*, Many Varieties since the Assembly held and ended in Scotland; The Bishops thrust out, the Parliament there sitting.

*October 11 and 12. Friday and Saturday*, The Spanish Navy was set upon by the Hollanders in the Downs; the Fight began to be hot when they were past Dover; they were in all near sixty Sail. The Spaniards suffered much in that Fight, not without our dishonour, that they should begin the Fight there; but this is one of the Effects of the Scottish Darings.

Yyyyy

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An. 1639.

December 2. Monday, A. Sh. my Chirurgeon in trust, gave me great and unexpected ease in my great Infirmary; but after the Weakness continued.

December 5. Thursday, The King declared his Resolution for a Parliament, in case of the *Scotish* Rebellion. The first Movers to it were my Lord Deputy of Ireland, my Lord Marquess *Hamilton*, and my Self. And a Resolution voted at the Board, to assist the King in extraordinary ways, if the Parliament should prove peevish, and refuse, &c.

January 24. Friday at night, I dreamed that my Father (who died 46 years since) came to me, and to my thinking he was as well and as chearful as ever I saw him. He asked me what I did there? And after some Speech, I asked him how long he would stay with me? He answered, He would stay till he had me along with him. I am not moved with Dreams, yet I thought fit to remember this.

January 26. Sunday, I received the Queens gracious assurance of her Favour, in the Business which his Majesty had committed to me with others.

### At Whitehall, March 26. 1639.

*His Majesty's Instructions to his Privy-Council, before he went from London to York.*

The Lords to attend the Queen's Majesty on Sundays, in his Majesty's absence.

‘ This day his Majesty did recommend unto their Lordships, the care of the Queen's Majesty, and the Prince, and his other Children in his absence, with direction to attend her every Sunday whiles she shall remain hereabouts; and if she shall go further off, to *Oatlands*, or such, or a greater distance for any long time, then likewise to attend her, as conveniently their Lordships may, though not so frequently; and that nothing that shall be fit for her be wanting or neglected.

King's Instructions to the Privy-Council in his absence.

‘ Next, His Majesty did recommend to their Lordships, to give notice to all Lord Lieutenants, and Deputy Lieutenants, to resort to, and remove within the Limits of their Lieutenancies, except such of his Privy-Council as are appointed to stay here; and the Earl of *Bridgewater* is to go, as soon as conveniently he can, into his Presidency, to give notice likewise to all Governors of Islands and Forts, to repair to their Commands; or in case they are otherwise employed in his Majesty's Service, to send able Deputies upon the Places, and such for whom they will be answerable.

March the 27th, Coronation day, his Majesty took his Journey Northwards against the *Scots*; there went with him in his Coach the Duke of *Lenox*, and Earl of *Holland*, and arrived at *York* the 30th of March. To whom Sir *Thomas Widdrington*, Recorder of *York* and *Berwick*, made this following Speech.

Most



Most Gracious and Dread Sovereign,

March 30.

BE graciously pleas'd to pardon this stay, that we, the least and meanest Motes in the Firmament of your Majesty's Government, should thus dare to cause you (our Bright and Glorious Sun) to stand: Give us leave, who are the Members of this Ancient and decay'd City, to make known unto your Majesty (even our Sun it self) where the Sun now stands,

{ In the City of York }

which (like an ill-drawn Picture) needs a Name: A Place so unlike it Self, that we may boldly say, *Niobe* was never so unlike *Niobe*; never Old Man so unlike himself, himself being young, as is the City of *York* unlike the City of *York*; heretofore an Imperial City, the Place of the Life and Death of the Emperor *Constantius Chlorus*, in whose Grave a Burning Lamp was found many Centuries of Years after. The Place honoured with the Birth of *Constantine* the Great; and with the most noble Library of *Egbert*.

I might go farther, but this were only to shew, or rather speak of Ancient Tombs.

This City was afterwards twice burn'd, so that the very Ashes of these Antiquities are not now to be found: And if later Scars had not defaced our former Glory; what was it truly in respect of what we now enjoy?

The Births, Lives, and Deaths of Emperors, are not so much for the Honour of *York*, as that King *Charles* was once Duke of *York*. Your very Roial Aspect surmounts our former Glory, and scatters our later Clouds.

It's more honour for us, that King *Charles* hath given us a new Life, Nativity and Being, by a most benign and liberal Charter, then that *Constantine* the Great had his first Being here. And for the Lamp found in the Grave of *Chlorus*, your Majesty maintains a Lamp of Justice in this City, which burns more clearly than that of *Chlorus*, and shines into five several Counties, at which each Subject may light a Torch, by the lightness whereof he may see his own Right, and find, and taste part of that sweet and wholsom Manna here at his own Door, which drops from the influence of your Majesty's most just and gracious Government.

So that if the Library of *Egbert* were now extant among us, that very *Idea* of Eloquence, which the most skilful Orator could extract out of it, would not be able to express what we owe to your Majesty, there being not any acknowledgment answerable to our Obligations: For besides all this,

The Beams and Lightnings of those Eminent Vertues, Sublime Gifts and Illuminations wherewith you are endowed, do cast so forcible Reflections upon the Eyes of all Men, that you fill, not only this City, this Kingdom, but the whole Universe with splendor.

You have established your Throne upon two Columns of Diamond, Piety and Justice; the one gives you to God, the other gives Men to you, and all your Subjects are most happy in both.

An. 1639.

‘ For our Selves, most gracious King, your Majesty’s humblest and  
 ‘ meanest Subjects, Obedience, the best of Sacrifices, is the only Sa-  
 ‘ crifice which we have to offer to your most Sacred Majesty. Yet  
 ‘ vouchsafe to believe (most mighty King) that even our Works, such  
 ‘ as they are, shall not resemble those Sacrifices whereout the Heart is  
 ‘ taken, and whereof all the Head, nothing is left saving only the  
 ‘ Tongue ; our Sacrifice is that of our Hearts, not of our Tongues.—

*The King’s Attorney General, by Relation of the Lord Wentworth,  
 Lord Deputy of Ireland, against the Lord Mountnorris,  
 Sir Pierce Crosby and others.*

‘ **T**He Defendants are charged for raising and divulging Scandals of  
 ‘ the Lord Deputy of *Ireland*, giving out as if he was guilty of  
 ‘ the death of one *Esmond*, proceeding from Sir *Pierce Crosby*’s malice,  
 ‘ who drew unto his Confederacy the other Defendants ; who all re-  
 ‘ pinning at the Lord Deputy, resolved generally to make use of the  
 ‘ Death of one *Esmond* a sick and infirm Man, who died in the 10<sup>th</sup>  
 ‘ Year of the said King ; and in the 11<sup>th</sup> Year they tell his Wife, That  
 ‘ the Lord Deputy gave him divers stroaks ; and they got her into  
 ‘ their Confederacy, and tell her, The Complaints will be well recei-  
 ‘ ved in *England*, offering her 1000 *l.* to come over.

‘ To this Sir *Pierce Crosby* pleaded not guilty.

‘ The Lord *Mountnorris* in his Answer said, He was sensible of the  
 ‘ Charge, that he should be a Person ill-affected to his Majesty’s Ser-  
 ‘ vice, and pleaded not guilty to all the Offences.

‘ The Wife said, she heard a report, That her Husband received  
 ‘ several blows from the Lord Deputy, and that he died a few days  
 ‘ after, that she made her moan to the Lord *Esmond*.

‘ *Marcus Cheevers* saith, That Sir *Pierce Crosby* asked him what he  
 ‘ heard of the Blows given by the Lord Deputy to *Robert Esmond* ?  
 ‘ and said, There was a report of it at the Lord *Esmond*’s House ; and  
 ‘ Sir *Pierce Crosby* in a Letter writes, That the Lord *Esmond* did first  
 ‘ raise the Report, and first encouraged *Margery* to complain.

‘ *Richard* and *William Esmond* pleaded not guilty.

‘ *Walter Fitz-Harris* answered, That he delivered the Message from  
 ‘ Sir *Pierce Crosby* to *Margery Esmond*, to such Effects in the Informa-  
 ‘ tion, and to all Offences pleaded not guilty.

‘ *Lawrence Archer*’s Answer was read, but pleaded not guilty.

‘ *William Holloway* his Answer read, who was present when the Lord  
 ‘ Deputy committed *Esmond*, and said, He believes he did *Esmond* no  
 ‘ wrong ; and to all Offences pleaded not guilty.

‘ The King’s Attorney General descended to Proof, and declared,  
 ‘ That Sir *Pierce Crosby* was the Forger of the Accusation, and that it  
 ‘ will be proved *Esmond* died of other Wounds, that no Blow was  
 ‘ given by the Lord Deputy.

‘ Then the Deposition of *Margery Turner* was read, who saith, That  
 ‘ *Robert Esmond* her late Husband, long before his Death, was woun-  
 ‘ ded in his Back with a small Knife by one *Egerton* ; and that the said  
 ‘ *Esmond*, after the Wound, spitted Blood for about a Year before he  
 ‘ died ; and that he had also a Cough of the Lungs about seven Years, and  
 ‘ died of a *Consumption*.

‘ *Lawrence*



‘ *Lawrence Lord Esmond* being examined, saith, That *Robert Esmond*, six or seven Years before his Death, received a Wound in his Back with a Knife by one *Egerton*; and that he was not of a weak or sick Constitution before his Death; and that he and other his Friends conceived the said Wound to be the cause of his Death.

‘ *Walter Fitz-Harris* deposed, That he told the Defendent *Margery* to go into *England*, to take part against the Lord Deputy; and that he promised her that *Sir Pierce Crosby* should give her 1000 *l.* to go and make complaint of the Death of her Husband; and told her, That he was sent for that purpose into *Ireland* by *Sir Pierce Crosby*, and she seemed willing to come into *England*.

‘ *Richard* repair’d to *Robert* in his Sickness, and asked him, Whether he had any stroak from the Lord Deputy? and said, He had received no stroak from the Lord Deputy upon his Salvation; He also said, That *Margery Turner* came to his Lodging, and complained of the loss of her Husband, and said, She had bin sent for by a Messenger, which said, He came from my Lord *Mountnorris*, *Sir Pierce Crosby*, and *Marcus Cheevers* to come and speak with them; and the Examinant conceived they sent for her, to perswade her to go into *England* to complain.

‘ *Sir Philip Manwaring* saith, He was present when *Esmond* was brought to the Lord Deputy, *Esmond* was charged with Contempt, in refusing to take a-board the King’s Timber, and taking in other Timber; the Lord Deputy shook his Cane at *Esmond*, and said, He would teach him better Manners; but whether he touched him or not he cannot Depose.

‘ *Sir Philip Manwaring* further said, That the Lord *Esmond*, Lord *Mountnorris*, and *Sir Pierce Crosby* were of the Privy-Council in *Ireland*, and *Sir Pierce Crosby* renewed about the end of the last Parliament the Oath of a Privy-Counsellor.

‘ *Joshua Carpenter* said, That about *November 1634*, that *Esmond* was pressed to carry Timber, and refused it, saying, He had undertaken to carry Timber for the Use of the Lord Chief-Justice, that the Lord Deputy shook his Cane, but whether touched him with it or not, he knows not; but the Lord Deputy committed *Esmond* for neglect of the King’s Service.

‘ *Jeremy Woodworth* saith, That *Esmond* was troubled with a violent Cough, but went quickly over; and when he visited him in Prison, he heard him not complain of any Blow, though he asked him if the Lord Deputy did strike him? but *Esmond* answered, He did not, but only shaked a Cane over his Shoulders, but he felt no harm, that he would not have hidden it if he had beaten him. That *Cheevers* said, that day that *Esmond* died, Did not I tell you he would die of the stroaks the Lord Deputy gave him?

‘ *Sir Francis Wortly* saith, That *Sir Pierce Crosby* saith, That the Lord Deputy had a hard heart in *Ireland*, he struck *Esmond*, and committed him to Prison, and two or three days after he died, and on his Death-bed said, he died of the Blows given by the Lord Deputy.

An. 1639.

## Sir Pierce Crosby Defendant.

‘ *William Atkins* Interrog. first, About *November* or *December* 1634.  
 ‘ *Robert Esmond* was brought before the Lord Deputy, who committed  
 ‘ him to *Dublin* Castle ; *Atkins* was present when *Esmond* was conven-  
 ‘ ted, the Lord Deputy was angry with him, and said, *Sirrah, Sirrah,*  
 ‘ and smuck *Esmond* on the Head and Shoulders, three or four stroaks  
 ‘ with a Cane, and then committed him.

‘ Immediately after *Robert Esmond*’s Death, he heard *Richard Roach,*  
 ‘ and divers others report, That the said stroak occasioned it ; that  
 ‘ he did daily visit *Robert Esmond,* and he still complained of the  
 ‘ blows ; and that this Deponent’s Wife anointed his Shoulders ; He  
 ‘ often wept and grieved, and he would often say, His Heart was  
 ‘ broken.

‘ *Richard Roach* saith, That *Esmond* was in Prison about six days  
 ‘ and a half ; daily complained and refused ordinary Food.

‘ *William Holloway* saw the Lord Deputy strike three or four stroaks  
 ‘ over the Pate with a Cane, agreeing with *Esmond*’s Relation.

‘ That in *November* or *December* 1634, he being a Prisoner in *Dub-*  
 ‘ *lin*-Castle ; *Robert Esmond* told him, That he had bin convented be-  
 ‘ fore the Lord Deputy, and committed, by reason that after his Bark  
 ‘ was laded for the Lord Chief Justice, he refused to take in the Lord  
 ‘ Deputy’s Timber, which he could not have taken, in respect of the  
 ‘ length.

‘ *Esmond* further said to this Deponent, That the Lord Deputy had  
 ‘ made him *Knight of the Cane* ; and complained of the stroaks the  
 ‘ Lord Deputy had given him, and wished them to feel what swellings  
 ‘ he had in the hinder part of his Head, and this Deponent felt sever-  
 ‘ al knots and swellings by his Ears : He lay in Prison about six days  
 ‘ and a half, and daily complained, and refused ordinary Food ; and  
 ‘ from his commitment to his death, he did more and more languish ;  
 ‘ and at his going out of the Castle, he shook his Head towards it, and  
 ‘ said, *He might thank the Lord Deputy for that.*

‘ *William Holloway* agrees with the same Deposition.

‘ *William Esmond* saith, That in *July* 11. *Car. I.* *Sir Pierce Crosby*  
 ‘ and Lord *Mountnorris* were at *Wexford*, and then and there *Sir Pierce*  
 ‘ did speak of such Reports as is before deposed, that it was no Crime ;  
 ‘ and they did inquire of *Esmond*’s Wife, but no Proof that ever  
 ‘ they spoke with her till the Information was exhibited.

After the reading of a few more Depositions, and Mr. Attorney  
 General’s Reply in this Cause, and magnifying the Worth and Merit  
 of the Lord Deputy, and shewing the improbability of any Truth  
 in the Defendants Witnesses, the Court proceeded to Censure.



May 22. 15. Car. Regis, 1639.

Some Passages of the Lord Cottington's Sentence, at the bearing of the Cause between the King's Attorney General Plaintiff, Sir Pierce Crosby and others Defendants.

‘**T**Hat there lay a necessity upon the Lord Deputy to bring this Cause to a Hearing, else he had not done Right to his own Honour, and the King's Service, nor to his Posterity, and he had great reason to expect Satisfaction from the Court. That he blames not all the Council at the Bar, who pleaded for the Defendants, but blames him that made Defence, in way of Justification of the Scandal, after *not guilty* pleaded; and leaves it to the Court, whether it be not fit to repair the Lord Deputy for such a Defence, considering the Deputy's great Merit to the King, State, and their Lordships; being one who hath done so good, so just, and so honourable Services, not to be parallel'd by any that went before him in that Place.

‘His equal distribution of Justice, advancing his Majesty's Revenue, &c. so that *Ireland* was never in that state as now it is: And that this Noble Lord should have these Reflections cast upon him by Sir *Pierce Crosby*, is an ill Reward.

‘I am well satisfied Sir *Pierce Crosby* endeavoured to draw this scandalous Accusation upon this Lord, and hath bin a publisher of it, particularly to Sir *Francis Wortly*: And how ridiculous a thing it was (the Proofs considered) to say that *Esmond* died of the Blows the Lord Deputy gave him, when only he shook his Cane over his Head.

‘I hold my Lord *Esmond* also guilty of spreading this Report. *Fitz-Harris* tells how he was hired to go into *Ireland*, on Sir *Pierce Crosby*'s account; It is said he is a Man Indicted of Felony, Why did Sir *Pierce Crosby* make use of such a Fellow?

‘I fine Sir *Pierce Crosby* 4000 *l.* to the King, and to give such Satisfaction to the Lord Deputy as this Court shall direct. I am sorry for Sir *Pierce Crosby*, for time was when he did good Service at the *Isle of Ree* for his King and Country.

‘As for the Lord *Esmond*, I hold him clearly guilty of spreading this Scandal, to the dishonour of my Lord Deputy. My Lord *Mountnorris* said, He had it from the Lord *Esmond*. Now for Men of Honour to report a thing false for a Truth, is a very great Crime, I fine my Lord *Esmond* 3000 *l.* and I do declare him to be unworthy to serve under the General (my Lord Deputy) and to make Satisfaction in some publick Way, and in such Words as this Court shall direct.

‘As for *Marcus Chevers*, the beginner of this Report, I Sentence him, for publishing of it, a 1000 *l.* and to acknowledg his Offence.

‘And all the Defendants in 5000 *l.* Damages to the Lord Deputy.

Lord



An. 1639.

## Lord Chief Justice Finch his Sentence.

MY Lords, The Charge in this Information is double ; It is a Conspiracy to raise a Scandal, to bring my Lord Deputy in Question, both in his Honour, Life, and Fortune. And it is for the publishing and divulging of this, to the dishonour of my Lord Deputy, and to stir up ill Consequences likewise to his great damage.

I. That there was a Scandal raised, I am fully satisfied ; but who are the first raisers of this Scandal, that in judgment doth not appear before your Lordships. But my Lord Deputy hath very good reason to charge this as a Conspiracy and Practice in the Defendants, and I think your Lordships have great reason to suspect it strongly ; and in my own private Conscience I do believe it. But I dare not, upon the proof in Court, go so far as to Sentence any of the Defendants, not Sir *Pierce Crosby*, whom I hold to be the chiefeſt Delinquent in the Cause. I dare not, I say, upon the proof in Court, condemn any of them of a Conspiracy, or of a practise with others, to raise this Scandal *ab origine*, to bring my Lord Deputy in danger of his Life.

For the publishing of the Scandal, I am satisfied that it was a false Report, and that it is a Crime that ought severely to be sentenced in this Court.

There are Presidents of it in my Lord Arch-Bishop of *York's* Case that now is, and the Bishop of *Lincoln* and *Osbaldston's* Case. And your Lordships know as well the Statute of *R. 2. & Westm. 1.* doth as well punish those that are the Tellers and Speakers of false Lies and Tales, as the Inventers.

In the Case of a Common Person there may be sufficient reason to justify the Words, but in the Case of a Publick Magistrate, and so great a Person, as the Viceroy, in a manner, of the Kingdom of *Ireland* ; I say, Though there were probable and just grounds, it was not fit for them to scatter and divulge things in an irregular way, but it is punishable ; I did learn it in King *James* his time, in the Case of *Henry* Earl of *Northampton*, Lord Privy-Seal, that was here sentenced.

I am clearly satisfied, that this is so far from being true, or from a probability of Truth, or from being a *non liquet*, that there is no colour for it ; and to satisfy my own Conscience, I shall be bold to reckon to your Lordships the Grounds upon which I go.

I do fix it upon the Testimony of the Parties present, and of the Witnesses present, I do find there were fifteen present. For Sir *Philip Manwaring*, your Lordships know his Quality and Reputation in the Kingdom, and I know he beareth it as worthily in your Lordships Judgment ; He expressly sweareth his Lordship did but shake the Cane, and that he believeth in his Conscience, (for so he said here in Court) he did not so much as touch him : And I would not have any to go away unsatisfied of any thing against my Lord Deputy. There are many Presidents and Rules, that this Court hath liberty in their Judgments, to call for Witnesses at Hearing to satisfy their Consciences. My Lords, Besides, Sir *Philip Manwaring's* Deposition, that which he did here affirm, That he was

near



'near to my Lord all the while, and that he did diligently observe  
'all that passed.

'Another Witness was *Isaac Carpenter* ; he doth agree with Sir '*Philip*, he saith, my Lord did but shake the Cane, and he doth not  
'know whether he touched him, and he was the Man that brought  
'the Fellow thither.

'The third Witness was *Holloway* ; It is true, some speak out of his  
'Mouth, he speaketh exactly in his Answer, He knoweth of no hurt  
'or wrong was done by my Lord Deputy, neither doth he believe  
'it.

'*Atkinson* the Goaler, he was the only single Man of those that  
'were present, that saith, my Lord Deputy did strike *Robert Esmond*  
'with a Cane.

'Take the Quality of their Persons, take their Number, four to  
'five, I wonder whether any Man can think there was a stroak.

'The second part of the Proof, is from the Relation of *Robert Esmond*  
'himself, wherein you shall see a great deal of malice in the De-  
'fendents.

'Yet he sweareth upon his Salvation, he took no hurt by any  
'stroak from my Lord Deputy; he did declare it was an old hurt  
'with a Knife that did wound him ; he did there protest he never  
'struck him, only shaked his Cane : And when his Uncle said unto  
'him, Tell the Truth ; indeed Uncle, said he, if it were otherwise  
'I would tell you ; I pray God I never enter into Heaven if ever he  
'struck me or hurt me : So here is as strong a Relation as can be, and  
'agreeth in the Point with the shaking of the Cane.

'I shall not forget to reckon up to your Lordships, what on the  
'Defendents part hath bin alleged. It was a grave and honourable  
'Admonition which was given by my Lord *Cottington* to the Counsel  
'at Bar, and I wish they would never give occasion to be reprehended,  
'but to take admonition by this ; time hath bin, when Practisers of  
'Law knew their Duty, which if they observed, they should never  
'do more than their Cause would bear, and yet do their Duty to  
'their Clients with modesty to the Court, and respect to Persons of  
'great Eminence. In this they have gone further than the course of  
'the Court, wherein I do commend Mr. Attorney that did so respect  
'the Innocency of my Lord Deputy that he would not cut them off.  
'It hath not bin usual with the Practice of this Court, to suffer him  
'that pleads *not guilty*, to make a Justification for the Plaintiffs to  
'prove him guilty ; and it shall ever be my practice in such Cases,  
'when they do fail of a Proof of *not guilty*, that they shall pay found  
'Dammages.

'For my Lord's Merit I shall say nothing, I am prevented by my  
'Lord *Cottington*. If ever any deserved reparation in this Court, my  
'Lord Deputy doth, who hath bin so excellent a Minister for the  
'King.

'For Sir *Pierce Crosby*, I shall observe to your Lordships, he was  
'a discontented Man, removed from the Council Table by my Lord  
'Deputy and the Council, and by direction from the King. He said,  
'My Lord Deputy bore a hard hand in *Ireland*, and wished my Lord  
'Deputy was displaced, and my Lord *Farrkland* in it again. I have  
'known Sir *Pierce* long, and sorry I am to meet him here.

'The first Witness against him was Sir *Francis Worsley*, who saith, He  
Z z z z z 'told



An. 1639.

‘told him, My Lord Deputy struck him, and that he died of the blows, and did name some Persons in *Ireland* that would prosecute against my Lord Deputy.

‘The second Witness was *Edwards*; Sir *Pierce Crosby* asked him, If he had not a Kinsman that died of a Blow given him by the Lord Deputy of *Ireland*? It did not concern Sir *Pierce Crosby* at all to inquire.

‘Your Lordships remember what *William Esmond* said, then what Sir *Thomas Esmond* said, the Lord Deputy struck him: And *Marcus Cheevers* asked if he had heard of any such thing? I tell your Lordships why I reckon up these Defendants, because of the Knowledge I have of Sir *Pierce Crosby*; and I am sorry that he should upon his Oath deny that ever he spoke any such word, when so many do witness against him for it; therefore Sir *Pierce Crosby*’s Oath must not move me in Judgment, for no hold is to be taken of it. And let Men take heed how they take a liberty to deny upon their Oath; For your Lordships know how many Presidents have bin in this Court, for sentencing Men for Perjury in their own Cause.

‘For *Fitz-Harris*, he is a Witness that doth accuse himself, as for the Indictment against him, he stood upright when he was examined; and in these things wherein he concurs with others, he is without exception; and being a single Testimony in the main Point for the Conspiracy, is the Reason why I cannot Sentence Sir *Pierce Crosby* for a Conspiracy: And I am not on the other side so satisfied, but that in my own private Conscience I do think there was a Conspiracy. Why should *Fitz-Harris* also go about this? and why should *Archer* make this Relation? and why this Conference with *Robert Esmond*’s Wife, and her Counsel, (though I will not say but one Defendant may confer with another); I do utterly dislike the manner of it, and so I shall leave Sir *Pierce Crosby*.

‘The next is my Lord *Esmond*, a Person unknown to me, yet I am sorry to find him here; but I must agree with my Lord that went before me, and to Sentence him for the Reasons already opened. My Lord Deputy should know it was an *Esmond* he had kill’d, tho he was the Man that brought my Lord Deputy word that *Robert Esmond* said, upon his Salvation, He took no hurt by any stroak from my Lord Deputy. This Lord being a Counsellor of State, to go and do otherwise, doth aggravate his Offence. Nothing is more for my Lord Deputy’s Honour, than this very Particular; with what clearness and candor my Lord Deputy did proceed in putting so much trust in my Lord *Esmond*, in a thing that standeth so deeply in his Honour and Fortune, and might be a Cloud that might hang over him all the days of his Life.

‘Next was *Cheevers*, he said, It was no wonder if he died of it, &c.

‘Here my Lord *Finch* spoke of a Report which he had seen 4 Car. where my Lord *Say* brought an Action of the Case upon the Statute of *Scandalum Magnatum*, for saying, *Thou art a Traitor to the King*; and upon a *Not guilty* pleaded, it was found for the King. But the Inference he drew from this, the Author could not perfectly take.

‘For *Holloway* and *Fitz-Harris*, there is enough to convince them.

‘I shall descend to my Sentence, and will not dissent in any thing from my Lord *Cottington*, only have *Archer*’s and *Fitz-Harris*’s Ears nailed to the Pillory, and fined 1000 l. a-piece.



*A few Notes of some other of the Lords Sentences.*

Secretary Windebanck.

‘ I Am satisfied of the clearness of my Lord Deputy. To have so  
‘ worthy a Minister of the King’s thus traduced, especially in this  
‘ time of Troubles in *Scotland*, it much concerns him. I had rather  
‘ have found Sir *Pierce Crosby* in some Regiment attending the King in  
‘ *Scotland*. Yet I must Sentence him as a Man guilty of the divulging  
‘ of the Report, and that with a great deal of Malice; I concur with  
‘ my Lord *Cottingham*.

Sir Thomas Jermain.

‘ Since it is so, that with these Lords that have gone before me, I  
‘ cannot concur; I shall use the liberty of my Place, and the  
‘ strength of my Conscience, and speak what I think; and think I  
‘ must; and I think it my part to render a Reason and Account of my  
‘ Thoughts. You have in Judgment before you thirteen Defendents,  
‘ some Noblemen, some Gentlemen, and others.

‘ Here is a great and heavy Charge upon Sir *Pierce Crosby*, it stand-  
‘ eth upon three heads.

1. ‘ That he is a Person ill-affected to the Government and State.
2. ‘ That he should be the first publisher of this Scandal.
3. ‘ That he stirred up the Wife of *Robert Esmond* to prosecute my  
‘ Lord Deputy.

‘ If I find my Lord Deputy’s Honour invaded by Sir *Pierce Crosby*,  
‘ or any Man else, he being a Person of great Place and Trust in ano-  
‘ ther Kingdom, where a great part of his Majesty’s Government is  
‘ committed to his care, it behoves my self, and all your Lordships here  
‘ present, to vindicate his Honour. And I am verily perswaded, that  
‘ neither my self, nor any here present, can think my Lord Deputy  
‘ could procure the death of this Man by his Cane, there his Honour  
‘ is not in danger.

‘ For Sir *Pierce Crosby*, he was a principal means for the preserva-  
‘ tion of our Mens lives that escaped at the *Isle of Ree*. Sir *Pierce*  
‘ *Crosby* was not the first Mover, for Mr. *Raileton* in his Deposition  
‘ saith, (before ever Sir *Pierce* was thought to have spoken of this  
‘ Matter) that he heard at Court by Mr. *Leveston*, and divers others,  
‘ of *Robert Esmond*’s Death. It seems strange to me, that these Pub-  
‘ lishers were not made Parties to the Suit; and if it may stand with  
‘ the course of the Court, before I proceed any further, I would know  
‘ whether this be an Offence, To speak that for which he can pro-  
‘ duce several Persons that spoke it before him?

‘ Lord Chief Justice *Finch* saith, Though a Man speak that which  
‘ a hundred speak before, it is a scandal in him.

‘ Then I shall descend to my Sentence.

‘ Next Witness against Sir *Pierce*, was Sir *Fr. Wortley*, but he remem-  
‘ breth not the time. And against Sir *Pierce* here is only *Fitz-Harris*,  
‘ and twenty more that spoke out of his Mouth, and all but as one



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Witness ; and he is such a Witness, as for my part I shall not believe.

I Sentence none but only *Fitz-Harris* and *Archer*.

*Barret Lord Newburgh.*

I Conceive the Offence so foul, as that it deserveth a very severe Sentence, were it fully proved against all the Defendants. I am fully satisfied of my Lord Deputy's great care in his Majesty's Service in that Kingdom, and that nothing hath bin said of him in this Court but what is his due. I can Sentence none of the Defendants but *Fitz-Harris* and *Archer*.

Earl of *Exeter* concurred with my Lord *Newburgh*.

My Lord of *Suffolk* agreed with my Lord *Cottingham*, and added this, To have *Fitz-Harris* to lose one Ear in *England*, another in *Ireland*, and if he have a third Ear, to lose it in *Scotland*.

*Earl of Manchester Lord Privy-Seal.*

MY Lord Deputy's Life, Name, and Fortune, lieth at the Stake ; and a stupid Man he had bin not to have stirr'd, he had wrong'd his Honour, Person, Estate, and Government it Self, not to have stirred.

I will speak my own Judgment freely, without checks to my Conscience.

For the Plot, to speak truly, I see none. To publish this Scandal was a fault, and the greater, because it was against a great Man.

For the Fact, Who shall a Man believe in this Case ? The Party himself, his Wife, his Kindred, his Friends ; his Protestations, his Execrations, that upon his Salvation he had no stroak.

Mr. *Recorder* put as good Colours upon this Cloth as it would bear for a Defence.

Sir *Pierce* hath carried himself very closely, he was never seen but at *Easter* when he sent for *Margery*.

In Sentence I concur with my Lord *Cottingham*.

*Dr. Juxon Bishop of London, Lord Treasurer.*

FOR Scandals raised upon Superiors, they are the Diseases of the Time. Not to spend time to speak of my Lord Deputy's worth, This injury to him justly requires a heavy Sentence. Sir *Pierce Grosby* I conceive is a great Delinquent, if not a Plotter ; yet a subtil, industrious and diligent Labourer in the Prosecution. If it took no effect, it was no fault of his. *Fitz-Harris* was also an Offender, your Lordships may do well to make him an Example. For my Sentence, I agree with my Lord *Cottingham*.

Some



Some Passages in my Lord Arch-Bishop of Canterbury's Sentence, in my Lord Deputy's Cause, against Sir Pierce Crosby and others.

I Conceive there was a marvellous great necessity to bring this Cause to Judgment, for the Report was spread so far and so high, that if it had bin suffered to have lain a-sleep, it might have endangered my Lord Deputy, and his Posterity after him; and therefore it did concern him, by all the means in the World he could, to bring this Cause into this Court.

My Lords, for the Counsel at Bar I was extreemly troubled to see them, after a *Not guilty* pleaded, to justify the Act; and yet I cannot but commend Mr. *Attorney* to give way unto it, that the Innocency of my Lord Deputy might the more clearly appear.

My Lords, For the Cause it self, I am not only of Opinion that it is a great Offence, but that it is an Offence which hath a dangerous Consequence following it, if you look by whom, and against whom it was committed.

My Lord Chief Justice hath so divided this Cause in the Particulars, that I shall be very brief.

I conceive the Defendants are guilty of a grievous, malicious, and dangerous Scandal; and whether true or false it is no matter, for it stands against the Foundation of all Law, that if the thing were true, yet they are scandalous Reports. Certainly, my Lords, for the Consequence that is upon this, I hold it to be very dangerous. And if such a thing shall go unpunished, or with a light punishment, no Man in his Place can live in safety of his Life, Honour, and Fortune.

My Lords, This is not only a dangerous Cause, but dangerous in the way of Prosecution, that there should be such cunning in the carriage of this Business, that they would take away with one blow his Honour and Service in *Ireland*, and cut him off from his Defence and Protection in *England*. It is very bad it should be against a Peer of the Realm, but this against my Lord Deputy, that doth represent the King's Person in that Kingdom; for the whole Trust and Government of that Kingdom doth rest in him, under God and the King. And it argueth, to my understanding, that such Spirits as these, that strike at the Authority of him that beareth the Power under his Majesty in *Ireland*; they that shall begin thus with Tongue and Pen to scandalize any in Authority, I shall think the same Man will be very bold to scandalize the King too. *Gregory Nazianzen*, where he speaketh of Kings, he saith, *They are lively Pictures of the Almighty God, drawn short, but not at length, for no resemblance of God Almighty can be drawn out at length.* As Kings are Representations of God drawn out shortly, so Deputies and Lieutenants are Representations of such as are their King, but drawn out somewhat shorter than the resemblance of their King.

For my part, I have ever bin of Opinion, that the great Ministers of the State, which shall not be very sensible of the Authority imposed on them, and of Injuries offered unto them, cannot perform, nor be so careful in their Places as they ought.

It



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‘ It is very high time to look about, for great liberty is taken in this Age, and the Tongues and Pens of Men, against Men of Place and Authority, are too frequent, that sin is grown very common, almost Epidemical, and ready to prophane all Authority ; and the next to that is the confusion of all Mens Fortunes.

‘ These Times, in the greatest Empires that ever were in the World for Riches, one of the greatest, the *Roman Empire*, do manifest, That those Men on whom the Emperor at those Times did set any great Office upon, or did any other ways favour, certainly they had the greater esteem among the People, and good reason for it ; but now it is grown quite contrary. The Scripture saith, *Thus shall it be done to the Man whom the King honoureth*. Now it is changed and quite otherwise, with all manner of reproach, and casting of scandal upon him whom the King honoureth. This in general.

‘ Now for my Lord’s Person in particular, and for his dexterity in the Government of that Kingdom ; in particular, for that he hath showed himself a great favourer of the Church : But because I am a Church-man my self, I shall speak little of him in that, but leave him and his great care in that Service without any *Elogium*, since it speaks loud enough all Christendom over.

‘ This I will say, without disparagement of those great Persons that have gone before him, and I hope to the encouragement of those that may succeed, That for the Government of the State in general, and for the state of the Church, for the settling of Religion, for the vindicating of Justice according to their Laws ; for improving their Trade, and settling a Military Defence in that Kingdom, no Story nor Memory of Man can say, that ever *Ireland* was in that case since *Ireland* did belong to the Crown of *England*.

‘ My Lords, I shall add one thing more in respect of these boisterous Times we are fallen into. The State doth not owe a little to my Lord Deputy, that the Kingdom of *Ireland* is kept in that great Peace and Security ; for at this day (God be thanked) that Kingdom is at Peace, notwithstanding the multitude of *Scots* in that Kingdom, and those Rebels that are within an hour and a halfs passage of *Ireland*. No part of *England* is in more security than they are at this time ; and under God and the King, I can attribute it to nothing but the Wisdom, Courage, and Care of my Lord Deputy ; and therefore God forbid Offenders against his Reputation should go away without exemplary punishment.

‘ The greatest Empire that ever was in the World was the *Roman Empire* ; give me leave to represent unto your Lordships what the Law was then, and it cometh home to many particular things that are in this Case before your Lordships.

Here the Arch-Bishop mentioned some *Roman* Authors, but spoke so fast, as at that Time the Pen could not hold pace with him.

1. ‘ There was a necessity, but in those times (said his Author) then to complain, to deter People from casting Scandals on Persons in high Authority ; therefore there is now a necessity for my Lord Deputy to complain, or else no punishment to the Offender.

2. ‘ Whom



2. 'Whom doth the State vindicate, a Senator? From what? From some notorious Brand as this is. God forbid but that the State should do it, for the State cannot be safe unless it doth defend every one of us *ab omni injuria*. Certainly, say what you will, it is impossible for the Government of the State to go on, if these Scandals must be suffered.

'I shall further observe, This is no matter of Favour you do my Lord Deputy, nor was it in the Empire at that time, for the Senators did require it by Law, *defendere jus Senatoris*; and not only *defendere jus*, but *Authoritatem juris*. And then, my Lords, after there cometh in the last, and that is remarkable, that the great Empire, famous over all the World, and so continueth, yet that great Emperor did reckon himself as one of the Senators; not but that he was greater, but the *Jus & Authoritatem* of them, he did assume unto himself.

'I hold this libelling of the Tongue and Pen to be a sin of a very crying nature, and will get up by the least Twig that may be; and the nature of the Thing is such, that if it can but once come and ride safely upon the Shoulders of a Nobleman, it will mount and come to the King himself, and the greatest Emperor that is; which God forbid that it should be so. This I thought good to speak upon the Consequence of these Things, because the Venom of this Crime is in the Consequence, more than in the Formality of the Crime.

'My Lords, I did beg leave to speak this for the satisfaction of my own Conscience; and to express how sensible I am of this, I shall now come to the Particulars of this Cause in Judgment before me, in which I did promise brevity; and my Lord Finch hath so fully handled this Matter, that he hath spared me a great deal of pains.

'I begin with Sir Pierce Crosby, and I think all your Lordships agree with me, for the generality of the Scandal, that it is notoriously false, without probability of Truth. I have heard heretofore well of Sir Pierce Crosby, but I must observe a good Rule given in the Common-Wealth, *That if a Man have deserved Well, and now deserves Ill; his well-doing formerly shall not excuse him for his ill-deeds now*; therefore I shall pass by the goodly Report I have heard of him. In my Notes, I find him guilty of the spreading of this false and malicious Report, and is a fomentor thereof; though I cannot make him the first Author of the Report, yet after once he came in, he was a malicious Prosecutor. Sir Francis Wortley's Testimony convinces him, besides it is corroborated with Fitz-Harris's Testimony.

'For my Lord Esmond, I hold him almost as great an Offender as Sir Pierce; his Ingratitude is far beyond Sir Pierce's. The apprehension which the World had of him, the Honour and Countenance my Lord Deputy had given him; the Trust my Lord put in him, to take the examination of this Business; and after all this, for him to turn tail against my Lord Deputy, must needs be a foul fault, and argue a canker'd heart.

'For my Lord Mountnorris, I cannot Sentence him, because the proof against him is not clear; but let him make a happy use of coming so near the Fire, and yet escape.

'For Marcus Chevers, I conceive him to be one of the first Raisers of this Report, he saith he heard it from my Lord Mountnorris; so between them two, and my Lord Esmond, and Sir P. Crosby, was this



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this Scandal broached. I think these four Men stood upon some  
 fog, and a foul Mist did there arise; and there stood about this  
 fog these four Defendants, and they have fomented the Filth  
 they received by it.

For *Fitz-Harris* and *Archer*, I think he could get no Men of  
 worth to undertake such a Business, therefore such Men were most  
 fit to be imploied. I conceive there was a deep Conspiracy with  
 these two Men about this Business.

For *Holloway*, I must sentence him in 200 *l.* fine.

For *Robert Esmond's* Wife, I am loath to condemn her, a Wife that  
 had lost her Husband, and swears she conceived he died of his old  
 Diseases.

For *Fitz-Harris* and *Archer*, I agree to the losing of their Ears;  
 and for the Sentence of the other three Defendants, I agree with  
 my Lord *Cottingham*, In Fine, Acknowledgment, and Damma-  
 ges.

And I add further, That my Vote is, My Lord *Esmond* shall be  
 removed from being any longer a Privy-Counsellor, it being not fit  
 that such a canker'd Heart, and ulcerated Man, should sit at the  
 Council-Table there.

*Lord Keeper's Speech.*

MR. *Attorney* hath proceeded with a great deal of Judgment;  
 He did a very good Act for my Lord Deputy, to bring this  
 Cause to Sentence. And for the way of Defence, I am clearly sa-  
 tisfied it is against the Rules of the Court; yet had they bin inter-  
 rupted in the way of their Defence, it would have reflected both  
 upon my Lord Deputy and the Court: Therefore as I do condemn  
 this way of Defence to the Court, (and by the way do advise them  
 to take care and heed how they do practise it in other Causes) yet I  
 do commend it as necessary in this Case, for Mr. *Attorney* to give  
 way unto their Method of Pleading.

My Lords, In the next place I must needs say, upon the whole  
 course of this Cause, I am of the same Opinion with my Lord *Cot-  
 tingham*; that howsoever perchance this or that Man might think my  
 Lord Deputy should have done well to have forborn this Cause, yet  
 certainly it was a great necessity for my Lord Deputy to bring it on.  
 It was necessary for him in the point of his Honour, for I am very  
 confident, that had he not taken that way, this Rumour and Ca-  
 lumny had spread so far, that of necessity it would have required  
 him at last for his safety to do this; because for *Atkins* and *Roche*, I  
 am satisfied in my Conscience, by the Proof of the other side, that  
 that they are false Witnesses, and therefore it might have concerned  
 my Lord Deputy, as in his Honour, so in his Life and Estate.

It was a point of Moderation, that he did not put in my Lord  
*Esmond* first. I once had a good Opinion of him; but when my  
 Lord *Esmond* (whom my Lord Deputy entrusted to examine this  
 Business) did discover himself, he had great reason to bring him  
 on the Stage.

My Lords, there was one thing out of the Proofs concerning  
*Mirous Clevers* to be of Counsel with Sir *Pierce Crosby* in a Cross  
 Bill, to let your Lordships know something of what I know; It is  
 true,



‘ true, Sir *Pierce* came unto me, and desired me to write a Letter to  
‘ my Lord Deputy, to come and appear to his Suit in the *Star-Cham-*  
‘ *ber* here ; but the truth was, I did deny it, because I thought it  
‘ could not stand with my Duty to send to my Lord Deputy a Letter  
‘ to appear here, before I told the King of it. So there was some in-  
‘ tention of a Cross Bill, but I never acquainted the King with it, nor  
‘ heard more from Sir *Pierce* of it.

‘ My Lords, In the next place I shall declare my Opinion, as most  
‘ of your Lordships have done.

1. ‘ I am satisfied in my Conscience, my Lord Deputy did not  
‘ strike him, only it was a shaking of the Cane ; that maketh the very  
‘ ground-work to be false. It was objected, if it did but hasten his  
‘ Death an hour, it was the occasion of his Death. I do not conceive  
‘ it did either hasten it, or occasion it, and believe nothing that *At-*  
‘ *kins* saith.

‘ Next place for the Statute in this Point ; here is the spreading of  
‘ a scandalous Rumour, to the prejudice of a Nobleman, this is a very  
‘ great and grievous Crime. Then, my Lords, in this Case I look up-  
‘ on the Person of my Lord Deputy, as he is a Privy-Counsellor to  
‘ the King, as well in this Kingdom as in *Ireland*. He is a Peer of  
‘ this Kingdom, yea, a great Officer both in *England* and *Ireland* ;  
‘ Lord President of the North in *England*, and Lord Deputy of *Ire-*  
‘ *land* in *Ireland* : He is trusted by the King immediately under him-  
‘ self ; though it be granted unto him by the Name of Lord Deputy,  
‘ yet he hath both the Honour and Power of a *Viceroy*.

‘ Now, my Lords, I do observe in the Evidence of this Cause,  
‘ that all the rest of the Privy-Counsellors have a special Article in  
‘ their Oaths, not to discover any thing that may reflect upon the Lord  
‘ Deputy.

‘ Next thing, If a rumor of a Report be divulged, and a Man doth  
‘ hear this commonly spoken, and he reports it, Whether this shall be  
‘ a Crime in this Man ? And I make no doubt of this but it is, for it  
‘ is full within the Matter of the Act. If this shall be an excuse to  
‘ say, I spoke no more than what I heard, and heard it from this or  
‘ that Man, the Consequence would be, that none possibly would be  
‘ safe. Plainly, The Law of the Kingdom meaneth it to the meanest  
‘ Subjects in it, as to say to the poorest Man that he meeteth in the  
‘ streets, that it is reported he hath committed Murder, &c. What  
‘ shall he say ? I did say no more than what was told me. This is no  
‘ Defence for the meanest Subject the King hath, much less in this  
‘ Case of so great a Minister of State. If one call another Thief, or  
‘ Murderer, and he bring an Action, and if it be true he be guilty of  
‘ the Fact, no Action will lie. But in Cases of *Scandalum Magnatum*  
‘ it is otherwise. I find a Resolution in this Point in this Court, by  
‘ the two Lord Chief Justices, *Arundel’s* Case ; That a Man  
‘ hearing a Scandal of a Nobleman, and shall report this to another,  
‘ although he do express his Author, yet he shall be punishable. If a  
‘ Man of Quality shall say of one, That he is a Traitor, Felon, &c.  
‘ or any scandalous Speeches, and say that he hath heard it of such a  
‘ Man, this is no justification ; for when it cometh out of a more dis-  
‘ creet Man’s Mouth, the Scandal increaseth ; for any Man to say he  
‘ heard it, and name the Man of whom he heard it, he shall never ju-  
‘ stify it in an Action of the Case.



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‘ *Object*. But here you may say was a probability, and so it may be left with a *Non liquet*.

‘ *Answ*. But I conceive there is no manner of probability, much less a *Non liquet*.

26 Junii, 15 Carol. Regis, 1639.

‘ *Lawrence Lord Esmond*, and *Sir Pierce Crosby Knight* and *Baronet*, this day appeared at the Bar, in obedience to the Sentence of the Court, and made their several Acknowledgments, according as the Court had directed, being penned by the Judges. The like acknowledgment did *Marcus Cheevers* make at the Bar.

The Earl of *Strafford*’s Letter to the King, concerning his shipping of 500 *Irish* to be put into *Carlisle*.

May it please your Sacred Majesty,

**M***Y* last humbly presented your Majesty an account of putting five hundred Men aboard the day appointed, and by this time I trust they have attained their Port.

This Letter is occasioned by another received from Mr. Secretary Windebank, and bears date the 23<sup>d</sup> of March. In this I find much for me to do, and something wherein to consult your Majesty’s clearer direction, lest I tread awry, or at least beside your Royal Intentions. Those fully understood in these, as in all other, I shall execute to my uttermost best.

Here inclosed is the Duplicate of my Letter to my Lord of Antrim; wherein I have to my Judgment complied with that, which in relation to his Lordship was appointed for me; to which only I have bin bold to add unexpectedness of my going down into that Province, howbeit not intending it, unless otherwise commanded, or upon some more pressing occasion than God be praised yet appears.

The reason why I went so far, in regard I did believe the rumour of my coming so near him, would not amuse the Earl of Argile the less, or invite him sooner out of his own Country. Your Majesty’s Pinnace, the Confidence, is gone with the Regiment to St. Bees, to see your Men safely landed, together with another smaller Pinnace of Sir George Radcliffs and mine; they have both order to return hither with all diligence, only your Majesty’s Pinnace is to attend at Beaumorris the transportation of Mr. Serjeant Whitfield, and Mr. Fotherby, as was appointed for her, by direction sent me hither by Mr. Secretary.

Against their return, Victuals shall be prepared for them, and putting forty Men upon our Pinnace, which carries five Saker, I will forthwith dispatch them for the North-East of Ireland, to beat it to and fro about the Head of Cantire and Dunbarton-Frith.

These two will, I am confident, be Masters of all the Scottish Bottoms trading upon Air, Erwin, and Dunbarton; yet to leave all out of question, I shall in all diligence call Capt. Owen up hither with the Whelp, and direct him after them.

Mr. Secretary Windebank signifies your Majesty’s allowance, that if occasion offer, they may land and take what they can get from any Towns upon that Coast. I humbly desire, whether you will admit us to take as

many



many of their Barks at Sea as we can meet with; which doubtless will be much more easily, and safely done, especially to destroy the Earl of Argyle's Long-Boats, prepar'd as well to annoy us by some sudden Incurfion, as to secure himself; I confess, where the greater is granted, it may reasonably be thought the less is implied.

But in a Business of such weight, I love not to take my Lesson without Boole, and therefore most humbly crave your Majesty's Directions, express under your own hands, in case it may seem so good unto your Majesty: Let me but clearly know what I am to do, and if I neglect my Duty in the Execution, let not only the Shame, but the Punishment light deservedly upon me.

I have already sent out my Directions to all the Troops and Companies garrisoned in Ulster, requiring them to be ready to march out at five days, to such Rendezvous as shall be appointed for them; and I will presently send unto the Foot their proportion of Musquets, in regard their Old are not so good as they should be, so as there will be 300 Men ready for the Relief of Dunbarton-Castle, or any other Service your Majesty may think fit to command them.

It doth not appear to me how your Majesty's Pleasure is those Men should be Paid, and Victualled; but if your Majesty have not otherwise thought of it, upon your Majesty's Warrant, I will forth of this Revenue take order for both, without further trouble to your Majesty's Coffers, or Ministers on that side.

The fittest Person here to command them, as I think, will be Sir Robert Steward. I take his Affections to be good, and that he hath a better Stake here among us, than he is like to get in Scotland: Howbeit it befits me to consult your Majesty's Wisdom herein, and do as that shall ordain for me. Besides, his knowledg of the Country should, me-thinks, fit him better for the Service.

Lastly; It was writ me from good hands out of England, That it was thought there your Majesty intends to go to Edinburgh, and to be present at their Parliament in Person. Sir, the reading of it went as cold to my Heart as Lead; and the Consequences of such an Assurance, fright me to think of them.

But, I trust, God is not so angry with Us, as to suffer your Majesty to be led into such apparent Danger, or by any perswasion, to consent the trusting of so precious a Jewel in the custody of such, as (to my understanding) are so great strangers to Honour, or Morality.

Besides, if there were any such purpose, the publishing your Majesty's late Roial and Righteous Proclamation, manifesting your just Censure of those Disorders, and those late Directions to provoke them, and exasperating the Humour, by falling thus upon them with your Shipping on the North-West of Scotland, were, to my apprehension, to fight against your Self. Therefore, I beseech you, admit me, howbeit the meanest, yet as faithful a Servant as any, to deprecate this Evil by all means.

For, as to my poor Judgment, your Majesty hath no more to do this Summer, but to secure Berwick and Carlisle by strong Garisons; to exercise your Army in the knowledg of their Arms; prevent their Incurfion into your Kingdom of England, and by all means to avoid Fighting this Year.



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*Thus much effected, will prove an excellent Work, as well in Judgment as in Consequence; and by the Blessing of Almighty God, infallibly bend those Rebels to your Princely Will within a Year or two at most. God long preserve Your Majesty.*

Dublin, April 1.

1639.

Your Majesty's

*most faithful, most humble**Subject and Servant,*

WENTWORTH.

Marquess Hamilton left by the King at London.

When the King went towards York, he left Marquess Hamilton at Whitehall, to take care about the shipping of 5000 Men, and to hasten Northwards with the same as fast as he could.

They were to be commanded by three experienced Commanders, viz. Byron, Morton, and Harecourt.

And on the second of April, his Majesty writ this ensuing Letter to the Marquess.

HAMILTON,

**I** Received yours but this Morning, to which before I answer, I must tell you News. First, That Sir Jacob Ashley has possessed Berwick with a thousand Foot and sixty Horse, and Carlisle is likewise possessed by my Lord Clifford with three hundred Men. Secondly, I have commanded Traquair to keep his Chamber, until he give me an account how he left Dalkeith without striking one stroke, and before any Cannon was brought before it, having left the Ammunition (not destroyed) to their Reverence, and likewise the Regalia: Of this more by the next.

Now for Answer, I have given the Proclamation to be written by the Clerk Register, with the General Oath, both which you shall have with all speed. For your Military Oath, I like it extream well, as likewise your Opinion for detaining the Patents of Honour until the Country be settled.

York, April 2. 1639.

The same day the Earl of Strafford, Lord Deputy of Ireland, writ to his Majesty a Letter concerning the employing the Ships in Ireland to the North-West of Scotland, as followeth.

May it please your Sacred Majesty,

**M**y thoughts of this last Night, and this Mornings perusal of what I wrote Yesterday, moved me humbly to crave leave to express my self something more fully concerning that which I have in charge.

Mr. Secretary Windebanck signifies your Pleasure, to have the Ships of the North-West of Scotland by the sixteenth or twentieth of this month.

This



*This circumstance of time we shall, I trust, be able to comply with, or very near it, God sending us the Winds favourable.*

*Next he writes, these upon the place, if they commit any spoil, or any other Act of Hostility, your Majesty will not dislike it.*

*Now before I come to the Time of the Execution, I beseech your Majesty take into consideration what the Advantage or Disadvantage may be to your other Affairs, to begin with them so early on this side.*

*The Advantages to my seeming are very small; the taking perchance of some inconsiderable Prey, some disquiet to the Covenanters, indeed so small, as shall rather serve to awaken them at Home, than divert them from assisting others of that Covenant elsewhere.*

*And as for the considerable Service it self to be done on that Coast, to wit, the taking and destroying of their Shipping; that is to be done as well, if not better, towards August than now.*

*On the other side, the Disadvantages are, to my apprehension, great and many.*

*If the War were with a Foreign Enemy, I should like well to have the first Blow; but being with your Majesty's own natural (howbeit rebellious) Subjects, it seems to me a tender point to draw Blood first; for till it come to that, all hope is not lost of Reconciliation; and I would not have them, with the least colour, impute it to your Majesty to have put all to extremity, till their own more than words enforce you to it.*

*It might provoke them to assault some part of England, at least to hinder the putting in of Men and Ammunition into Berwick and Carlisle, which as yet they have no colour for, but falls flat upon them as an open and inexcusable Rebellion, which shall to the World justify your Majesty as compelled, not only to take, but to use and turn your just Arms against them.*

*It will hasten upon Marquess Huntley, and the rest of your Majesty's Party there, and open a general Force, before they be so well set, I trust, both to defend themselves, and offend others, as hereafter they may be.*

*It shall precipitate the War sooner upon England, than in present were to be wished; and rendring the Covenanters despairing of your Majesty's Grace, thrust them consequently upon desperate Counsels, wherein they are the more to be apprehended, by how much less they have to lose.*

*Considering therefore, that the securing of Berwick and Carlisle, are the Pledges, under God's Goodness, of your Majesty's prosperous Success: Methinks nothing should be done to provoke them till that were done: That it would be expected and tried for this Summer, whether their Fury might spend away upon it self, before your Majesty were compellable to distemper the Trade of your three Kingdoms, by falling thus upon their Shipping and Coast.*

*My most humble Opinion is, That the present employment for these Ships, should be only to move up and down on the North-West of Scotland, rather for securing, and encouraging the good Subjects on this side, than to attempt any thing of force against them, when our Gains to be expected by the contrary way are so small, but the Prejudices that may thereby fall upon your Majesty's Affairs so important and many: At least not to begin any Act of Hostility till August, for by that time the Season of the Year will secure both Kingdoms from an Invasion till the next Spring, by which time, I trust, we shall on all hands be readier to receive them than now I fear we are.*

But



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*But now, Sir, I have done, and command what you please, in full assurance, to be as perfectly and chearfully obeyed by me, as by any Soul living. God long preserve your Majesty.*

Dublin, April 2.

1639

Your Majesty's

most faithful, most humble

Subject, and Servant,

WENTWORTH.

*I most humbly beseech your Majesty's Direction, what we should do with the Mariners, or others of better Quality, we may chance to take Prisoners, in case your Majesty will have us to use present Force against their Persons and Goods.*

His Majesty writ another Letter to the Marquess, That he hath not yet seen *Traquaire* his Defence; and that if he had not taken notice of his base Actions, he is sure it would have disheartned a number of honest Men than ever he was, or ever will be.

April 3.

About two days after the Earl of *Traquaire* presented a Paper in writing to his Majesty, then at *York*, concerning the Business at *Dalketh*, the Contents whereof was as followeth.

*The Earl of Traquair's Relation of the Surrender of Dalketh to the Covenanters, delivered to Majesty at York, in April 1639.*

AT my last being at Court, amongst other Directions, your Majesty was pleased to give me order for drawing of Proclamations to be sent from this State, and for drawing of Commissions of Lieutenantancy; concerning which, and some other Particulars then spoken of with the Marquess of *Hamilton*, your Majesty did require Sir *Lewes Steward* to repair to *York*. Your Majesty's Will likewise was, That some present Course should be thought upon for lifting of some Souldiers in *Scotland*, both of Foot and Horse; and to that effect did resolve, That all the Noblemen who were then at Court, should presently repair to *Scotland*, and that there might be some ready way for entertainment of those Souldiers your Majesty allowed me. Besides the supply of Mony which was to come from *England*, to coin all the Plate that was in the Abby, and withal to provide in store in *Dalketh* all the Victual I could, which place I was hopeful might be sensible against suddain Invasion, where there were no Cannon.

With these and other Directions I went Home, and I believe your Majesty's Self, nor yet those Noblemen who were privy to my Instructions, did apprehend any thing of that which I found at my return.

After



‘ After I came to *Dalkeith*, the next Morning I went towards *Edinburgh*, where by the way, I was advertised by a Friend, That as I loved my own Self, I would not go to *Edinburgh*, for the Covenanting Rabble had resolved, upon my first appearance there, to make me fast : This coming from a sure hand, made me so far change my Resolution, as instead of going directly to *Edinburgh*, I went to *Hally-Rood-House*, and about twelve of the Clock, advertised such of the Council as were in Town, to meet at the ordinary place of Meeting in the *Tolboth* of *Edinburgh* : But Sir *John Hamilton*, and some others of the Council, being acquainted with my return, came to me, and dissuaded me altogether from thinking to enter *Edinburgh*, because the People (said they) are mightily incensed against me, and are all in Arms, and this day are to besiege the Castle.

‘ And that same day advertisement came to me to retire ; and the next was the sound of the Petard, which was soon after seconded by the noise of the Peoples Acclamations, upon the intaking of the Castle of *Edinburgh*.

‘ Hereupon I returned back and came to *Dalkeith* about eight of the Clock at Night, and with me Colonel *Machefson*, and took his Opinion concerning the Fortifying of *Dalkeith* ; who said, it might in a short time be made sensible against a sudden Assault, but not against Canon ; and considering that they were all *Covenanters* round about, it was not Tenable.

‘ I was presently advertised of the Resolution taken at their Table, both for apprehending of my Person, and taking in *Dalkeith* the next day ; my care was to have stolen away, and so have saved the Powder and Musquets that were in the House ; which I endeavoured, and most of it was removed to several Places, as I could think most fitting. And before twelve a Clock at Night had gotten the most part of all put away ; about which time, according to their former Resolution, there came towards *Dalkeith* betwixt three and fourscore Horsemen : And as I was returning from helping away some of the Powder, I had fallen into their hands, if through the darkness of the Night I had not eschewed amongst the Houses of the Town.

‘ The next morning as I came back to the House, the *Covenanters* sent two of their number to me, desiring that some of the Lords might speak with me ; and being thus surprized, beyond expectation, I being no Souldier, nor expert in Military Capitulations, and being in this, as in every thing else, since the Marques went from *Scotland*, left alone, without the help either of Countenance or Advice of any ; few or none daring so much as appear to give Advice in any thing might seem against these *Covenanters*, nor none so busy both publickly and privately to countenance them, and all their Actions, and flatter them by their Discourses, as those who are most busy at this time to inform against me.

‘ At our first Meeting, the Earl of *Rothes*, in the Name of the rest, began to represent to me the Reasons of their Procedures ; where presently I interrupted him, and desired him to spare his pains, for I intended not to hear or hearken to any such purpose. His next was, Whether I would not willingly deliver up the House of *Dalkeith* to them. I told him, If it were a House sensible against Power or Force, they durst not offer to take it from me. They had now surprized me, and their own folly would in the end surprise them, but I  
‘ would

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‘ would keep the Gates fast, and if they durst presume to make them  
 ‘ open in any violent way, I hoped ere long they should be made an-  
 ‘ swer for this, and more. But withal I told them, That the *Crown* and  
 ‘ the *Scepter* lay there, wherewith if they should presume to meddle  
 ‘ in any place where it was, it was more than ever Subject did, or  
 ‘ could be answerable for. It was scornfully answered, That *Dalkeith*  
 ‘ was not a Place good enough for such Things, and therefore they  
 ‘ would carry them to the Castle of *Edinburgh*, where they should be  
 ‘ more carefully kept than they could be there. Hereupon I charged  
 ‘ them, under all highest pains of *Treason*, not to dare to meddle with  
 ‘ the *Crown*, *Scepter*, or *Sword*.

‘ As I was offering to retire, *Roths* again urged one word more,  
 ‘ which was, to require me, as he said he had done all the rest of the  
 ‘ Subjects whom they could meet with, to declare my self, Whether  
 ‘ I would come against my Religion and Native Country. My An-  
 ‘ swer was, I intend to make no answer to such Propositions ; but as  
 ‘ I hoped never to be required to come against either, so I was most  
 ‘ confident that when-ever my Master should shew himself, I and with  
 ‘ me, many honest *Scots* Hearts would shew themselves to vindicate  
 ‘ his Sufferings, and curb their Insolencies. To this *Roths* and *Bal-*  
 ‘ *merino*, as I remember, both replied at one time, That if I did de-  
 ‘ clare my self in that manner, they would discharge with me, and  
 ‘ thereafter I was to look to my self.

‘ Whereupon they, with four Companies of Musquetiers, ( to one  
 ‘ whereof Sir *John Hay*’s Sisters Son, as I am informed, was Captain )  
 ‘ conducted by Colonel *Munro*, and 500 Horsemen, ( amongst which  
 ‘ was Colonel *Hamilton* ) went to the House, and finding the Gates  
 ‘ shut, required my under-Keeper to make open Gates ; which he,  
 ‘ according to the direction given him refusing, charging them of new,  
 ‘ under all pains of *Treason*, to retire from the Gates, and not offer  
 ‘ any violence to his Majesty’s House : All this was done to make their  
 ‘ Fault and Insolency appear the greater. Whereupon they scornful-  
 ‘ ly answered, That the fear of all such Charges were long ago past,  
 ‘ and with that put the Ladders to the Walls where the Stables are ;  
 ‘ and having climed over the same, came to the Inner Gate of the  
 ‘ House, which they forced likewise, and so entred, and in great Joy  
 ‘ and Triumph seized the *Regalia*, *Crown*, *Scepter*, and *Sword*, and  
 ‘ carried them away with all the reverence they could show, and pla-  
 ‘ ced them in *Edinburgh*-Castle.

Some few days after *Traquaire* had given this Narrative to the King  
 at *York*, his Majesty thought fit to set him at liberty from his Con-  
 finement : And shortly after his Majesty set at liberty from the like  
 Confinement, the Earl of *Roxborough*, whose Son the Lord *Carr* ( or  
*Kirr* ) turned to *Monroe*, and took part with the *Covenanters* against  
 his Father’s Will.

After the King had bin a few days at *York*, there was great resort to  
 Court of the Nobility and Gentry of the Northern Parts ; and such  
 as were Colonels of the Trained-Bands, expressed much forwardness  
 to serve his Majesty in that Expedition, in defence of the Nation, if  
 the *Scots* should Invade.



The Commanders of the Yorkshire Foot and Horse.

The Regiments of Foot were commanded by

*Ferdinando Lord Fairfax.*  
*Sir William Savil.*  
*Sir John Hotham.*  
*Sir William Penniman.*  
*Sir Thomas Metham.*

The Horse of the County of York, appointed to march, were commanded by

*Thomas Lord Vicount Wentworth.*  
*Thomas Lord Clifford.*  
*Sir Thomas Fairfax.*  
*Captain Butler.*

Whilst his Majesty remained at York, the Earls of Newcastle and Darby came thither with two gallant Troops, and marched toward Barwick; which being at that time newly possessed by the Earl of Essex and Sir Jacob Asbley with Forces, prevented Monroe, who was marching with Scots Forces to surprize that Place.

Those English who returned from Barwick to the King then at York, also brought the news, how the Nobility, Gentry, and Citizens of Edinburgh, brought away the Crown, Sword, and Scepter, from Dalkeith in state to Edinburgh, to be there safely kept, publickly making a Protestation of their Loyalty to their Prince, and expressing their Wishes, That it might be a perpetual Crown to the King and his Roial Issue.

Soon after came the advertisement to the Court at York, that his Majesty's Castle at Dunbarton was also seized by the Covenanters, being a place of great Strength, and great Advantage, in reference to the secure landing of the Irish Forces, designed for those Parts by the Lord Deputy of Ireland.

Dunbarton-  
Castle taken.

These Places of strength being thus possessed, divers of the Nobility, Gentry, Bishops, and Clergy, opposers of the Covenant, were constrained to fly their Country, and to repair to Newcastle for shelter.

And like Job's Messengers, news was also brought, That the King's Forces, near Aberdeen, were beaten and dispersed by Monroe, and Aberdeen taken, with great store of Arms, Ammunition, and some Treasure which was sent thither to advance the Service of the King in those Parts.

Aberdeen  
taken.

It was observed at York, that not any two of the Scottish Nation did agree in their Information concerning the Condition of the Scottish Army, and the Number of their Forces; some making them to be 30000, some 40000 at least; others said they were a most contemptible Army, not 10000, and not half of those well Armed.

Upon the 5th of April the King writes to the Marquess, That he will send him a Proclamation against the Rebels; yet thinks he shall alter that Clause in it, not to set Prices upon the declared Rebels Heads, until they have stood out some little time, which time is to be expressed in the same Proclamation; and desires to know of the Marquess

Bbbbbb

when

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when to send *Devick* unto him: and whether the King shall see him before he puts to Sea.

On the 7th of *April*, the King also wrote this short Letter to the Marquess, *Viz.*

HAMILTON,

I Send you herewith my Pleasure in a Proclamation to my Subjects of Scotland; and by this command you to use all sort of Possibility, against all those who shall not submit themselves according to the Tenour of the same; for which this shall be your Warrant.

York, April 7. 1639.

CHARLES R.

Whilst the King was at *York*, the Privy-Council sitting at *London*, were not wanting to promote the King's Service what they might in the Southern Parts; and to that purpose writ a Letter to such of the King's Subjects whom they conceived fit, for their Abilities, to lend the King Mony; which Letter so written, was to this effect following.

After our hearty Commendations, &c.

April 9.

THE King is gone in Person with an Army to resist the dangerous Rebellion in Scotland, that threatens the Peace and Safety of this Kingdom. All the Nobility, and many other Persons of Quality, do readily and dutifully assist him, some in their Persons, and others with considerable Sums of Money; whereof we hereby give you notice, that you may also lay hold on this occasion, to express your Fidelity and good Affection; and you shall do very well forthwith to signify your Resolution to this Board, from whence his Majesty shall understand the same. And so we bid you heartily farewell.

A List of the Names, as well of such Gentlemen as have paid Contributions into the *Exchequer*, towards his Majesty's Journey into the North, upon Letters from the Board; as of such who have promised, but not paid in their Contributions towards that Service; together with the particular Sums paid in, and promised by each.

Counties.	Persons.	Sums paid.
Berks. ———	{ Sir George Willmot ———	50 00 00
Dorset. ———	{ John Freak Esq; ———	50 00 00
Devon. ———	{ James Welsh Esq; ———	10 00 00
London. ———	{ Sir Matthew Lister ———	20 00 00

Southampton.



Southampton.	{	Sir Francis Dowse	20	00	00
		Richard Whithead Esq;	20	00	00
		Sir Henry Clark	40	00	00
		John Doddington Esq;	50	00	00
		Thomas Neal Esq;	20	00	00
Somerset. —	{	John Coventry Esq;	100	00	00
		John Luterel Esq;	100	00	00
		Sir John Stowel	100	00	00
Surrey. —	{	Sir Nicholas Carew	20	00	00
		Sir Richard Onslow	20	00	00
		Richard Evelin Esq;	20	00	00
		Sir Thomas Grimes	20	00	00
Wilts. —	{	Sir William Calley	50	00	00
		John Toppe Esq;	20	00	00
		Thomas Bond Esq;	40	00	00
Total paid			770	00	00

15 Caroli.

Counties.	Persons.	Sums promised.
Berks. ———	{ Sir <i>Humphrey Forster</i> ———	100 00 00
	{ Sir <i>Francis Pile</i> ———	100 00 00
Cornwal. ———	{ Mr. <i>Francis Bassett</i> ———	00 00 00
	{ Mr. <i>Arthur Bassett</i> ———	10 00 00
Devon. ———	{ Sir <i>John Chichester</i> ———	20 00 00
	{ Sir <i>Henry Wallrond</i> ———	20 00 00
	{ Sir <i>Sampson Heley</i> ———	20 00 00
Dorset. ———	{ <i>Henry Hastings Esq;</i> ———	50 00 00
	{ Doctor <i>Clarke</i> ———	10 00 00
London. ———	{ Doctor <i>Meverel</i> ———	10 00 00
	{ Dr. <i>Sim. Fox</i> will give to this as to the Shipping.	
	{ Dr. <i>Chambers</i> ———	00 00 00
Middlesex. ———	{ Sir <i>William Balfore</i> ———	30 00 00
	{ Mr. <i>Fra. Poulton</i> ———	20 00 00
Somerset. ———	{ Sir <i>Hen. Berkeley</i> ———	05 Subsidy.
	{ Sir <i>Edw. Berkeley</i> ———	20 00 00
Southampton. ———	{ Mr. <i>Tho. Coteal</i> ———	60 00 00
	{ Sir <i>Rob. Dillington</i> ———	30 00 00
Suffex. ———	{ <i>Ralph Cooper Esq;</i> ———	20 00 00
	{ <i>Hen. Goring Esq;</i> ———	10 00 00
Wilts. ———	{ Lord <i>Gorges</i> ———	100 00 00
Total ———		620 00 00

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The Names of such Gentlemen as have returned their Answers to the Lords Letters, by way of excuse, or signifying that they have contributed by another way.

## Berkshire.

Sir Fra. Knowles.  
Mr. John Fettiplace.  
Mr. John Parker.  
Mr. William Lenthall.  
Mr. Tanfield Vachell.  
Mr. Hen. Poole.  
Mr. Dolman.  
Mr. Hen. Martin.

## Cornwal.

Sir Richard Vivian.

## Dorset.

Mr. Rich. Rogers.

## Devon.

Sir Fra. Vincent.  
Sir George Chudley.  
Sir Lewis Pollard.  
Sir John Poole.  
Sir Nich. Martin.

## Hartford.

Sir Rich. Lucy Kt & Baronet.  
Sir John Caesar.  
Sir William Litton.  
Arthur Capell.  
Fra. Tavernour Esq;  
William Lemon.

## Southampton.

Sir John Oglander.  
Mr. Edw. Pitt.

Sir Tho. Bison.  
Sir Tho. Jervois.

## Somerset.

Sir Edw. Rodney.  
Sir Will. Walrond.  
Mr. Will. Bassett.  
Sir Charles Berkely.

## Surrey.

Sir Charles Howard, Knight,  
Captain of Upnor.  
Sir John Litcott.  
William Muschamp Esq;

## Wilts.

Sir Edw. Bainton.  
Sir John Evelin.  
Mr. Serjeant Glanville.  
John Penruddock Esq;

## Middlesex.

Inigo Jones Esq;  
John Hawtre Esq;

## London Medici.

Sir Theod. Mayerne.  
Dr. Argent.  
Dr. Tournier.  
Dr. Winston.  
Dr. Oxenbridge.



A List of such Persons as have sent no Letters in Answer to the Lords, touching the said Contribution.

Berkshire.

Sir Edw. Yates.  
Sir Rich. Harrison.  
Sir John Bachus.  
Sir Thomas Read.  
Sir John Stonehouse.  
Sir Henry Lamborne.  
Mr. Dunch.  
Mr. Standen, Mort.  
Mr. Geo. Palfrey.  
Mr. Lawrence Halfstead.  
Mr. John Ashcomb.

Cornwall.

Sir Reynold Mohun.  
Sir John Trelawney.  
Sir Rich. Edgecombe.  
Sir Rich. Buller.  
Mr. Charles Trevanion.  
Mr. William Coriton.  
Mr. Rich. Erissey.  
Mr. John Trefuses.  
Mr. Nich. Trefuses.  
Mr. Godolphin.  
Mr. Noy.  
Mr. Tho. Gawen.  
Mr. John Roe.  
Mr. Hugh Boscowen.  
Mr. Edw. Cosworth.  
Mr. Amb. Manington.

Devon.

Sir Tho. Drew.  
Sir Geo. Southcott.  
Sir Edward Juell.  
Sir John Specott.  
Sir Hen. Roswell.  
Mr. Henly of the K's Bench.  
Mr. Sainthill.  
Sir Sam. Rolls.  
Sir Rich. Revel.  
Mr. John David.  
Mr. Barth. Berry.

Dorset.

Sir Geo. Norton.  
Sir Fra. Fulford.  
Sir Tho. Trenchard.  
Sir John Croke.  
Sir John Brane.  
Sir John Strode.  
Sir John Strangeways.  
Mr. Denzil Hollis.  
Mr. Hen. Drake.  
Mr. Gerard Napier.  
Mr. William Cook.  
Mr. Roger Gallop.  
Mr. Hubbert Hussy.  
Mr. Tregonnell.  
Mr. Walter Earl.  
Sir Peter Prideaux.  
Sir Edward Seimore.  
Sir Tho. Hele.  
Sir Gregory Norton.  
Sir Tho. Prideaux.

Hartford.

Sir John Watts.  
Sir Edward Alford.  
Henry Anderson.  
John Gulston.  
Arthur Poulter.  
John Gore.  
John Harrison.  
William Prisle.  
Ralph Sadler.

London Medici.

Dr. Moore.  
Sir Simon Baskerville.  
Dr. Floud.  
Dr. Chamberline.  
Dr. Reade.  
Dr. Chaddiman.  
Dr. Gifford.  
Dr. Wright.

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## Middlesex.

Sir Edward Spencer.  
 Sir Tho. Fowler.  
 Sir Robert Coke.  
 Sir John Frankline.  
 Sir Tho. Lake.  
 Sir Hen. Spiller.  
 Sir William Parkhurst.  
 Sir Edward Carre.  
 Cornelius Heliand.  
 Captain Peirce.  
 Sir John Heydon.  
 John Huxly Esq;  
 George Leng Esq;  
 Thomas Marsh Esq;  
 Edward Nowell Esq;  
 Edward Roberts Esq;  
 Sir Charles Pliddall.  
 Sir Robert Parkhurst.  
 John Denham.  
 Paynings Moore.  
 John Fowles.  
 Nicholas Stoughton.  
 Thomas Bennet.  
 John Combes.  
 John Evelin.

## Southampton.

Sir John Boteler.  
 Sir John Jennings.  
 Mr. Thomas Blunt.  
 Sir Robert Cletcher.  
 Sir Tho. Dacres.  
 Sir Hen. Wallop.  
 Sir John Mills.  
 Sir Rich. Morton.  
 Sir William Lewis.  
 Sir Edward Dennis.  
 Sir Tho. Hook.  
 Sir——Worsley, Bar.  
 Capt. Bad.  
 Mr. Hunt.  
 Mr. Jephson.  
 Sir Edward Banister.  
 Robert Wallop Esq;  
 Mr. Henry Sands.  
 Sir William Waller.

## Somerset.

Sir William Portman.  
 Sir John Windham.  
 Sir John Horner.  
 Sir Fra. Doddington.  
 Mr. John Sims.  
 Mr. Abraham Burrel.  
 Mr. Thomas Smith.  
 Mr. Hodges.  
 Sir Robert Gorge.  
 Sir Fra. Baker.  
 Sir Jo. Mallet.  
 Mr. Anth. Socker.  
 Sir Ralph Hopton.

## Surrey.

Sir Ambrose Browne.  
 Sir John James.  
 Sir Fra. Howard.  
 Sir Fra. Stidolph.  
 Sir John Lenthall.  
 Sir John Howland.  
 Sir Tho. Evelin.  
 Sir William Elliot.

## Suffex.

Sir Hen. Compton.  
 Sir Tho. Pelham.  
 Sir William Goring.  
 Sir Tho. Sackville.  
 Sir John Leedes.  
 William Foord.  
 Sir John Parker.  
 Thomas Chowne Esq;  
 Geo. Carthop Esq;  
 Walter Bartlet Esq;  
 Anth. Stapley Esq;  
 James Rivers Esq;  
 Anthony Fowle Esq;  
 William White Esq;  
 James Baker Esq;  
 Harbret Hay Esq;  
 Sir Edw. Bishop.

## Wilts.

Sir Laurence Hide.  
 Sir George Egliffe.  
 Rob. Drew Esq;



Grub Esq;  
Sir Hen. Ludlow.  
Sir Tho. Thin. Mort.  
Mr. Grobham.  
Sir Fra. Seimor.  
Sir John St. John.  
Sir Edward Hungerford.  
Sir Nevil Pool.

Sir John Danvers.  
Sir Walter Smith.  
Sir Fra. Popham.  
Sir William Button.  
Sir John Earnly.  
Sir Giles Escourt.  
Sir Walter Vaughan.

Caroli 15.

A Proclamation, declaring his Majesty's Gracious Pleasure, touching sundry Grants, Licences, and Commissions, obtained upon untrue Surmises.

**W**heres divers Grants, Licences, Priviledges, and Commissions, have been procured from his Majesty, some under his Great Seal of England, and some others under his Privy Seal, Signet, or Signe Manual, upon pretences that the same would tend to the common Good and Profit of his Subjects: which since upon experience have bin found prejudicial, and inconvenient to his People, contrary to his Majesty's Gracious Intention in granting the same. And whereas also upon like suggestions, there hath been obtained from his Majesty, and the Lords, and others of his Privy Council, divers Warrants, and Letters of Assistance for the execution of those Grants, Licences, Priviledges, and Commissions, according to his Majesty's good intention and meaning therein. Forasmuch as his most Excellent Majesty (whose Royal Care and Providence is ever intentive on the publick Good of his People) doth now discern that the particular Grants, Licences, and Commissions hereafter expressed, have been found in consequence far from these Grounds and Reasons whereupon they were founded, and in their execution have been notoriously abused, he is now pleased of his meer Grace and Favour to all his Loving Subjects (with the Advice of his Privy Council) by his Regal Power to publish and declare the several Commissions and Licences hereafter following, whether the same have passed his Great Seal, Privy Seal, Signet, and Sign Manual, or any of them, to be from hence utterly void, revoked, and hereby determined, that is to say,

A Commission touching Cottages and Inmates.

A Commission touching Scriveners and Brokers.

A Commission for compounding with Offenders touching Tobacco.

A Commission for compounding with Offenders for transporting of Butter.

A Commission for compounding with Offenders in the importing or using of Logwood.

A Commission to compound with Sheriffs, and such as have been Sheriffs, for selling their Under-Sheriffs places.

A Commission for compounding for destruction of Woods in Iron-Works.

A Commission for Concealments and Inroachments within twenty Miles of London.

A Licence to transport Sheep-Skins and Lamb-Skins.

A Com-

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A Commission to take Hen bound to dress no Aenison, Pheasants, or Partridges in Inns, Ale-houses, Ordinaries, and Taverns.

A Commission touching the licensing of the use of Wine-Cask.

A Commission for licensing of Brewers.

A Licence for the sole transporting of Lamperns.

And that all Proclamations, Warrants, or Letters of Assistance for putting in execution any of the said Commissions or Licences, be from henceforth declared to be void, determined, and hereby revoked to all Intents and Purposes.

And his Majesty in like favour and ease of his Subjects, is further pleased to declare his Royal Will and Pleasure to be, that the particular Grants hereafter mentioned (upon feigned suggestions obtained from him to publick damages) whether the same have passed his Majesty's Great Seal, Privy-Seal, Signet, or Sign-Manual, or any of them, shall not hereafter be put in Execution, viz.

A Grant for weighing Hay and Straw in London and Westminster, and three Miles compass.

An Office of Register to the Commission for Bankrupts in divers Counties of the Realm.

An Office or Grant for gauging of Red-Herrings.

An Office or Grant for the marking of Iron made within the Realm.

An Office or Grant for sealing of Bone-Lace.

A Grant for marking and gauging of Butter Casks.

A Grant of Priviledg touching Relp and Sea-Cleed.

A Grant for Sealing of Linnen-Cloth.

A Grant for the gathering of Rags.

An Office or Grant of Factory for Scottish Merchants.

An Office or Grant for Searching and Sealing of Foreign Hops.

An Office and Grant for the Sealing of Buttons.

All Grants of Fines, Penalties, and Forfeitures before Judgment, granted, or mentioned to be granted, by Letters Patents, Privy-Seals, Signet, Sign Manual, or otherwise.

All Patents for new Inventions, not put in practise within three Years next after the date of the said Grants.

And the severall Grants of Incorporation made unto Hatband-makers, Outfiring-makers, Spectacle-makers, Comb-makers, Tobacco-Pipe-makers, Butchers, and Horners.

And his Majesty doth further Requite and Command, that there shall be a proceeding against the said Patentees by quo Warranto, or Scire facias, to recall the said Grants and Patents, unless they will voluntarily surrender and vield up the same.

And also all Proclamations, Warrants, or Letters of Assistance obtained from his Majesty, or the Lords and others of his Privy-Council for execution thereof, from henceforth utterly to cease and be determined, and are hereby absolutely revoked and recalled.

And his Majesty doth further expressly Charge and Command all and singular the Patentees, Grantees, or others any ways interested, or claiming under the aforesaid Grants, Licences, or Commissions, or any of them, and their Deputies, that they or any of them do not at any time hereafter presume to put in ure or execution any of the



the said Grants, Commissions, or Licences, or any thing therein contained, or any Proclamations, Warrants, or Letters of Assistance obtained in that behalf, upon pain of his Majesties Indignation, and to be proceeded against as contemnors of his Majesty's Royal Commands, whereof he will require a strict account.

Given at our Manour at York, the 9th day of April, in the 15th Year of our Raigh, 1639.

This Proclamation gave great Satisfaction to the King's Subjects in the North, and much more in the South, for these Projects and Monopolies had been grievous to the People, who cast out Words of an Indisposition to march in the Army whilst these Burthens were upon the People.

And now having this occasion to make mention of those Monopolies and Projects, so particularly enumerated in this Proclamation, we desire to look a few days beyond the time limited to this second part, and to let the Reader understand what an ill favour such Patents and Monopolies granted by the King, had amongst the People of better Rank, and which will best appear by a Speech made by Sir John Culpeper, of the County of Kent Knight, immediately after the beginning of the Parliament, which met the third of November; and in regard it proceeded from him being a Person of very great repute in his Country, and also who afterwards, during the late Wars, was with the King in Person at Oxford, We think fit to communicate a Branch of his Speech, in reference to Monopolies, which the Author took with his Pen at large, as he spoke the same.

### Sir John Culpeper his Speech in Parliament.

Mr. SPEAKER,

I Have but one Grievance more to offer unto you, but this one comprizeth many: It is a Nest of Wasps, or Swarm of Vermine, which have over-crept the Land, I mean the Monopolies and Polers of the People; these, like the Frogs of Egypt, have gotten Possession of our Dwellings, and we have scarce a Room free from them. They sup in our Cup (a). They Dip in our Dish (b). They sit by our Fire (c). We find them in the Dye-Fat, Wash-Bowl (d), and Powdring-Tub (e). They share with the Butler in his Box (f). They have Marked (g), and Sealed (g) us from Head to Foot. Mr. Speaker, they will not bate us a Pin (h). We may not buy our own Cloaths without their Brokage. These are the Leeches, that have sucked the Common-Wealth so hard that it is almost become Hectical. And Mr. Speaker, some of these are ashamed of their Right Names, They have a Vizard to hide the Brand, made by that good Law in the last Parliament of King James, they shelter themselves under the Name of a Corporation, they make By-Laws which serve their turn to squeeze us, and fill their Purfes: Unface these, and they will prove as bad Cards as any in the Pack. These are not Petty-Chapmen, but Whole-Sale-Men. Mr. Speaker, I have echoed to you the Cry of the Kingdom, I will tell you their Hopes, They look to Heaven for a Blessing upon this Parliament. They hang upon his Majesty's exemplary Piety and great Justice, which renders his Ear less open to the

Ccccc

15 Caroli.

The People were much satisfied with the Proclamation.

(a) Patent for 4 l. per Tun on Wine.  
(b) Licence to dress Meat in Taverns.  
(c) Imposition on Coals.  
(d) Patent for Soap.  
(e) Tax upon Salt.  
(f) Patent for Cards & Dice.  
(g) Beavers, Fels, Bone-Lace, &c.  
(h) Patent for Pins.

\* just

An. 1639.

‘just Complaints of his Subjects ; We have had lately in his Speech a  
 ‘Gracious Assurance of it. The other great Affairs of the Kingdom,  
 ‘and this our Grievance of no less import may go Hand in Hand, in  
 ‘Preparation and Resolution. Then by the Blessing of God, we shall  
 ‘return home with an Olive Branch in our Mouths, and full Confir-  
 ‘mations of the Priviledges, which we received from our Ancestors,  
 ‘and owe to our Posterity, which every free-born *English* Man hath  
 ‘received with the Air he breathed in.

These are our Hopes, these are our Prayers.

*April* the 10<sup>th</sup> the King writ to the Marquess to this Effect.

HAMILTON,

Concerning a  
 Proclamation  
 against the  
 Scots.

According to my promise on Thursday last, I send here-with the  
 Proclamation altered, as I then wrote ; and that you may not  
 think that these Alterations are grounded upon new Councils, I shall  
 desire you to observe, that I do not so much as seem to add the least  
 thing to my former Promises. It is true that I neither mention the  
 late pretended General Assembly at Glasgow, nor the Covenant at this  
 time : my Reason is, that if for the present I could get Civil Obedi-  
 ence, and my Forts restored, I might then talk of the other things  
 upon better terms. As for excepting some out of the General Pardon,  
 almost every one now thinks that it would be a means to unite them the  
 faster together ; whereas there is no fear, but that those who are fit  
 to be excepted, will do it themselves, by not accepting of Pardon, of  
 which Number I pray God there be not too many. So that now you  
 are to go on according to your former Directions, only Proclaim this  
 instead of my former Signed Proclamation, and so to proceed with  
 Fire and Sword, against all those that shall disobey the same. So  
 Praying to God to prosper you in all things. I Rest,

York, *April* 10. 1639.  
 4. Afternoon.

Your assured constant Friend,

CHARLES R.

The same day the King writ again to the Marquess this following  
 Letter.

I have spoken with Henry Vane at full of all those things, and agree  
 in all but one, which is that he thinks your going into the Frith,  
 will make the Rebels enter into England the sooner ; whereas on the  
 contrary, I think that my Possessing of Carlisle and Berwick, hath  
 made them so Bad, they will enter in as soon as they can perswade  
 an Army together, except they be hindred by some awful Diversion ;  
 wherefore I could wish that you were even now in the Frith, though  
 the Borders might be quiet till my Army be brought together ; which  
 they say will hardly be yet these ten days : Yet I am not out of hope  
 to be at Newcastle within these fourteen days, and so to Berwick, as  
 soon as I may with either Honour or Safety ; wherefore my Con-  
 clusion is, Go on a God's Name in your former Intentions, except

I



I send you otherwise Word, or your self find some inevitable Necessity.

15 Caroli.

York, April 10, 1639.

Your assured Constant Friend,

CHARLES R.

POSTSCRIPT. I have sent you ten Blanks, whereof four be Signaturewise.

When the Lord Deputy understood that the Scots had taken Dunbarton-Castle, he wrote this ensuing Letter of Advice to the King, dated April 15. 1639.

May it please your Sacred Majesty,

SIR George Radcliff being to repair thither for a few Weeks, to settle the Payment for the Regiment sent hence to Carlisle, and some other private Matters concerning our selves, will attend your Majesty at York, and dispatch hither such Commands as you shall vouchsafe to honour me with, therefore I crave Directions in some Particulars, lest when they happen, your Service may suffer for want of clear, and good Instructions aforehand.

Lord Deputy  
Wentworth's  
Letter to the  
King, concern-  
Dunbarton  
Castle.

In case any Scottish refuse to take the Oath of Abjuration: What is your Pleasure we should do with them? shall we Lege Taliones here, as there, Imprison the Parties Delinquent? seize their Lands and Holdings to your Majesty for the use of the Publick?

Whether a Proclamation might not be had, to Command Home to their Dwellings, the Scottish that have Possessions in this Kingdom? and if they refuse, in like manner to seize their Estates; as it seems those Lordly Covenanters serve your true Subjects there: such of that Nation, I mean, as are now residing, and of the rebellious Covenant.

Whether it be your Pleasure, that your Ships at Sea take as many Scottish Vessels as they meet with? and how your Majesty appoints us to dispose of those Ships, their Men and Ladings?

Whether it were not good to keep as many of their Masters of Ships, as we shall take, the more to disable them at Sea, and we to have use of them as Pilots, in case there be occasion of Service on their Coast?

The Earl of Argile hath in Cantire twenty Boats for Transportation of Men: Whether your Majesties Ships shall endeavour to take, or burn them?

Whether it be your Pleasure to cut off in present all Commerce betwixt the two Kingdoms, the Degrees and Cautions your Majesty shall ordain for us to observe therein?

Your Majesty's Castle of Dunbarton, was extreemly ill lost, in my opinion of greater Consequence by far (all duly considered) than the Castle of Edinburgh; therefore much more happy, had it been better secur'd, which by your Shipping might hence have been easily effected, had your Majesties desire thereof been early understood by us on this side: for by this means, in case Lesley prevail against M. Huntley, and the Town of Aberdeen, as the Report goes he hath, there is nothing left behind to stay them from breaking down into England this Summer, which is the only Danger I apprehend in the Business.

An. 1639.

Hence it is that I could wish no Hostile Act had bin done upon them this Summer, whereby to provoke, or give pretence to such an Irracible Injolerance; and that the stop of their Shipping had been respite till toward the beginning of September at least, and then, by the concurrence of your Ministers on both sides, executed on one day through both Kingdoms.

But now looking upon things as they are, I do most humbly, and earnestly beseech your Majesty to Command, that Barwick and Carlisle be fortified in all Diligence, very powerful Garrisons put into them, as well Horse as Foot, fill'd with all manner of Ammunition, and Stores; Persons of Experience and Industry deputed to the Government of them; by all means possible to advance the Number of your Majesty's Horse, which alone, with these two Towns at the Back of the Rebels, will secure us from an Invasion this Year, and to set a resolution to spend the Summer in Disciplining your Men, accustoming both Officer and Souldier to understand, and do their several Duties, and not in anywise to hazard a Battel for the present; which by God's Blessing may infallibly be avoided, by strongly and commodiously intrenching your Army in some place of Advantage, so as it may secure Newcastle, and have both the Town and Sea to friend for all uses. And this I mention the rather, in regard Sir Francis Willoughby writes me Word, he finds in the place, where he is, much unreadiness in all things belonging to a War.

In this noble and safe Posture your Majesty may look upon their Madnes, without opposing, till the strength of that Torrent be past: that gone, perchance God may yet give them the Grace to see their Sin, Repent, and make Satisfaction, which of all other were most to be desired: but if otherwise their Hearts be disposed to mischief themselves (I trust) only, not the rest of your Innocent and Loial Subjects. The Winter comes on, gives time for new Counsels, which if it come to that extremity must be thorowly and narrowly intended, indeed on all Hands; Monies, and all other means, both of Defence and Offence, prepared with the first beginning of the Spring.

Your Majesty, I trust, will graciously interpret this Liberty of mine, thus to stray forth of my own Employment (which God knows, is more than sufficient to keep me in work) as proceeding meerly from my Zeal to your Person, and having no other Aspect than to your Service. God long preserve Your Majesty.

Fairwood-Park,  
Apr. 15. 1639.

Your Majesty's

most faithful, most humble

Subject and Servant,

WENTWORTH.

York, April the 18th, at ten of the Clock at Night his Majesty writ this ensuing Letter to the Marquês.

HAMILTON,

It is true that I was content to hear your Advice concerning your going into the Frith, it being chiefly to shew Henry Vane, that your Judgment went along as well as your Obedience: though I had a care  
ever



ever to take off from you the envy of seeking of this particular Employment, taking it, as it is just, upon my own absolute Command; yet I will not say, but that you might have cause to wonder, because neither of us expressed our selves so clearly as we might. But my chief Errand to you at this time is, that upon serious Debate upon your long Letter to Henry Vane, only with him and Arundel, (for I dare trust no other) We found no reason to alter my former Commands, but were more confirmed in the fitness of them: Only We have thought requisite to alter some things in the Proclamation, which you shall receive by the next Dispatch, at farthest within a day or two of this; So that you are not to (indeed I think you cannot) publish any until the new one come to you, (for I believe it will be at the Holy-Island before you); The Alterations of which you will only find to be, That I do not say all I think, but in no ways back my Resolution, much less seem to yield to any thing. So referring you to Henry Vane for the relating of your Proceedings here, I rest,

15 Caroli.

York, Apr. 18. 1639.  
10 at night.

Your assured constant Friend,

CHARLES R.

And the King in another Letter to the Marquess, dated *April 23.* writes to him, Not to think of the *North*, till his Majesty hath done some good in the South; to which end he will hasten to *Barnwick*.

On the 29th of *April*, the King took his Journey from *York*; but before his departure, he expressed himself how much Affection he had found from that County, and City, saying, That *he had never found the like true love from the City of London, to which place he had given so many Marks of his Favour.*

The King  
leaves *York*.

His Majesty came the first Night to *Raby-Castle* in the Bishoprick of *Durham*, a Castle belonging to Sir *Henry Vane*, Treasurer of his Majesty's Household, where he was nobly entertained.

Come to *Raby*  
from *York*.

From thence he went to *Durham*, where the Bishop, with great expressions of Joy and Welcome, feasted his Majesty for some time. His Majesty staid in that County, while the Horse and Foot intended to be levied there, were raised, and upon their March.

*Durham*.

From thence he came to *Newcastle*, where by the Mayor and Magistrates of that Town; he was most magnificently entertained, all the Town seemed but as one Man against the *Scots* in case of an Invasion. Mr. *Alexander Davison* then Mayor, and *Thomas Riddell Esq;* Town-Clerk, were then Knighted by the King. The Recorder at that time was a Knight, being Sir *Thomas Riddell* the Elder, and then living, which disposed the King to honour his Son with Knighthood.

The Lord Deputy having given an Oath to the *Scots* in *Ireland*, whereby to testify their Allegiance to the King, thought fit to acquaint his Majesty therewith, by his Letter dated *May 13.*

May

An. 1639.

May it please your Sacred Majesty,

**B**Y our joint Dispatch to Mr. Treasurer Vane, as by the particular Letter of my Lord of Antrim to your Majesty, will appear what hath bin done in pursuance of the late Directions concerning the fitting of his Lordship for his Design against the Earl of Argile, and the Terms wherein it rests, until there may be an Ability to set it on foot with more probability, indeed possibility, than could be this Summer, which was so far spent, and his Lordship so far behind in his Preparations, as not to be recovered, or right-stated, before next Spring; no, albeit his Lordship had, or could be provided of the Money he desires.

By my Letter to Mr. Secretary Cook, your Majesty will also find in what good Expressions those of the Scottish Nation have delivered themselves toward your Service, and their own Allegiance; and in troth Sir, their manner was very chearful and hearty; and these being the Principal who have taken the Oath, it may be with confidence believed, all the rest of meaner condition will follow their good Example.

Commissions are now issuing to take the Oath of all the rest; they shall be all under the Seal by the last of this Month; upon which day I have given order to half of the Horse-Troops and Foot-Companies to be at Knockfergus, their Rendezvous, intrusted the Master of the Ordnance with the commandment of them. They are already on their March, and I my self am ready upon five days warning to follow them with the rest of the Army if there be occasion.

Those Forces I hasten the more, as those that will become the Business looking on, whilst that caution of the loyalty of the Scots to the Crown is to be taken, and at hand to correct any Misaccident that might fall forth in the accomplishment of that Service.

Besides, they being so near, and your Majesty's Ships on that Coast, will certainly give the Earl of Argile more to think of, and consider himself nearer home, than the raising of a Company of naked and unexperienced Irish-men by my Lord of Antrim: And to give it the bolder countenance, it is generally believed on this side, that I my self will follow them with the rest of those Forces.

To the best of my discerning, all is set on this side in right Affections to your Roial Person and Affairs, and toward Obedience and Peace, which makes me judge, That if your Majesty had been faithfully and attentively served by your Ministers in Scotland, it had bin impossible there could have bin so general and desperate a Defection as now shews forth it self, even to the wonder and scandal of every honest Heart. God long preserve your Majesty.

Dublin, May 13.

1639.

Your Majesty's

most faithful, most humble

Subject, and Servant,

WENTWORTH.

The



The Oath which the Lord Deputy gave to the Scots in *Ireland* was as followeth.

**I**. N. do faithfully swear, profess, and promise, That I will honour and obey my Sovereign Lord King Charles, and will bear Faith and true Allegiance unto him, and defend and maintain his Royal Power and Authority ; and that I will not bear Arms, or do any rebellious or hostile Act against any of his Royal Commands, but submit my self in all due obedience thereunto ; And that I will not enter into any Covenant or Band of mutual Defence or Assistance against any Person whatsoever by Forces, without his Majesty's Sovereign and Regal Authority. And I do renounce and abjure all Oaths, Covenants, and Bands whatsoever, contrary to what I have herein sworn, professed, and promised. So help me God in Jesus Christ.

By an Act of Council in *Ireland* it was ordained, That several Commissions should be issued forth under the Great Seal, to certain selected Persons named by the Deputy and Council, authorizing them to give the said Oath, &c.

Hereupon the Deputy and Council made an Act, To command all Persons of the Scottish Nation, of the Age of sixteen years and upwards, who inhabit, or have any Estate whatsoever, in Lands or Houses, within that Kingdom, upon pain of his Majesty's high Displeasure, and the severest Punishments that may be inflicted, according to the Laws of the Realm, upon the Contemners of Sovereign Authority, to take the Oath.

His Majesty signified his Pleasure to the Board, That the same Oath ordained by the Act of Council in *Ireland*, to be taken in that Kingdom by all the Persons of the Scottish Nation, shall in like manner be administred to, and taken by all and every Person and Persons of that Nation ; as well those that have the honour to be Servants to the King and Queen's Majesty, and to the Princes Highness, and Duke of *York*, and all others whatsoever of the Age of sixteen years and upwards, upon pain of his Majesty's high Displeasure.

At *Whitehall*, June 5. 1639.

Present,

Lord Arch-Bishop of *Canterbury*.  
Lord *Keeper*.  
Lord *Treasurer*.  
Lord *Admiral*.

Lord *Cottington*.  
Mr. *Comptroller*.  
Mr. Secretary *Windebank*.

‘ **W** Hereas his Majesty hath commanded that an Oath formerly administred to all Scottish Men inhabiting within the Kingdom of *Ireland*, should be likewise administred to all Scottish Men within  
‘ this

15 *Carol.*

Scots Oath in *Ireland* to abjure the Covenant.

Commissions to minister the Oath of Abjuration.

Order of the Deputy and Council of *Ireland*, to impose an Oath on the Scots in *Ireland*.

Order for a Commission to minister an Oath to Scots Men.

An. 1639.

‘ this Kingdom ; It was thereupon this day thought fit, and ordered,  
 ‘ That the Lord Keeper should be hereby prayed and required, to cause  
 ‘ a Commission under the Great Seal to be forthwith issued unto  
 ‘ the Lords and others of his Majesty’s most Honourable Privy-Coun-  
 ‘ cil, residing in or near-about the Town ; authorising them, or any  
 ‘ two or more them, to administer the said Oath accordingly to all  
 ‘ his Majesty’s Subjects of Scottish Birth, being Servants to the King  
 ‘ and Queen’s Majesty, &c.

*At Whitehall, June 12. 1639.*

*A Letter to the Sheriffs of London and Middlesex.*

‘ **T**His shall be to Will and Require you to repair unto the Tower-  
 ‘ Wharf on Friday Morning next, there to receive unto your  
 ‘ Charge from Sir Henry Manwairing Kt, all such Persons here-under  
 ‘ named, and to see them safely conveyed and delivered, according  
 ‘ to the Directions of the ten several Warrants. So not doubting  
 ‘ of your care therein, &c.

Signed by,

Lord Keeper.  
 Lord Treasurer.  
 Earl of Suffolk.

} } Lord Cottington.  
 } } Lord Newburgh.  
 } } Mr. Secretary Windebank.

Scottish Men  
 committed for  
 refusing to take  
 the Oath.

Colonel John Monroe.  
 Lieutenant Col. George Forbes.  
 Lieut. Col. Alexander Bartley.  
 Lieut. Col. John Kenemouth.  
 David Bartley.  
 George Mackeinee.  
 George Forbes.  
 Gilbert Blane.  
 David Trile.  
 Adam Campbell.  
 Gilbert Campbell.  
 Alexander Herriot.  
 George Hay.  
 Henry Benson.  
 John Browne.  
 Lawrence Swethman.  
 Robert Humsden.  
 John Fuins.  
 Lieut. Harvey.  
 Patrick Kircaldy.  
 David Kennedy.

Thomas Mitchel.  
 James Crockshank.  
 Fr. Forbes.  
 Henry Browne.  
 John Cunningham.  
 David Hunter.  
 George Hunter.  
 Arthur Forbes.  
 Alexander Dunn.  
 John Defeos.  
 Lieut. Col. Mills.  
 Capt. Carr.  
 David Donaldson.  
 Alexander Dixon.  
 George Buchanan.  
 John Sibett.  
 David Belly.  
 William Admiston.  
 Andrew Ramsey.  
 Alexander Wollace.  
 John Graunt.

May the 17th, the King wrote to the Marquess, not to fight till the King was come upon the Borders.



HAMILTON,

I have kept this honest Bearer the longer, that I may with the more assurance give you my Directions what to do: consisting of two Points, Fighting and Treating. For the first, We are still of the same Opinion, That it is not fit that you should go on until I be in the Borders, which will be (by the Grace of God) by this day eight days; except you find that before that time, they march down to meet me with a great Strength; in that case you are to fall on them immediately, and in my Opinion, as far up in the Frith as you think probably may do good, thereby to make a Diversion. In the mean time I like well, That you go on upon the ground of Treaty you sent a Note of to Master Treasurer, (which you will find I have under-written) no Body else being acquainted with it. Thus having given you my Directions, both concerning Fighting and Treating, I leave the rest to the faithful Relation of the honest Bearer; and Rest,

Newcastle, May 17.

1639.

Your assured constant Friend,

CHARLES R.

May 22. The King wrote to the Marquess from Newcastle, That Rumors came so thick of the great Forces that the Rebels mean very shortly to bring upon his Majesty, and that he thought fit to advertise him therewith, that he might be ready, upon the first notice, to land at the *Holy-Island*.

Shortly after two Regiments commanded by *Morton* and *Harecourt* were dispatched away, and landed at *Berwick* on the 29th of May.

The King drawing near with his Army towards *Berwick*, the Lord General caused the Army to be drawn up in *Batalia*, and then the King took a view of that gallant Army, as by the following List it doth appear to be, and marched on the head of them towards the River *Tweed*, which parteth *England* and *Scotland*; and near to that River, two miles West from *Berwick*, at a place called the *Birks*, the King pitched his Tent within a large Pavilion, and encamped there. The Nobility, and the King's Household-Servants, Bed-Chamber-Men, Privy-Chamber-Men, &c. pitched their Tents near to the King.

The King marches on the head of his Army.

Dddddd

A List

An. 1639.

*A List of the Regiments and Bands of Foot, which served his Majesty in this Expedition into the Northern Parts, viz.*

Lord General,	} The four old Regiments, with their Officers, } } over and above the Officers General of the } } Field, and the Officers of the Lord Gene- } } ral's Train, containing in number ————— }	Foot.
Earl of Essex,		6000
Earl of Newport.		
Sir Jacob Astley,		
Sir William Savile's Regiment, containing in Officers and Souldiers —————		886
Sir Henry Vane's Regiment —————		1099
The Lord Willoughby's Regiment —————		807
Sir William Penniman's Regiment —————		1070
Colonel Hamond's Regiment —————		1007
Sir Thomas Morton's Regiment —————		1637
Sir Simon Harcourt's Regiment —————		1637
Sir John Hotham's Regiment —————		867
Sir Thomas Metham's Regiment —————		867
Mr. Henry Percy's Regiment —————		867
The Lord Fairfax's Regiment at Carlisle —————		1300
Captain Musgrave's Company —————		160
Captain Hudlestone's Company —————		110
Lord Barimore's Regiment —————		1300

*In toto 19614*

Besides the Foot-Companies under the Lord Marquess *Hamilton*, and the two Garrisons at *Berwick* and *Carlisle*.

The Charge of the Train of Artillery in four Months, did amount to 5800 *l*.

*A List of the Troops of Horse, and Companies of Dragoons, which served his Majesty in this Expedition into the Northern Parts, 1639. viz.*

*The Officers General of the Troops.*

	<i>Horse.</i>
The General of the Horse his Troop of —————	100
The Earl Marshal's Troop, containing —————	100
The Earl of Essex his Troop, containing —————	100
The Earl of Newport's Troop —————	100
The Lieutenant General <i>Goring</i> 's Troop —————	100
The Committary-General <i>Wilmot</i> 's Troop —————	100
The Lord Vicount <i>Grandison</i> 's Troop —————	100
The Lord <i>Wentworth</i> 's Troop —————	100
The Lord <i>Clifford</i> 's Troop —————	100
The Earl of <i>Newcastle</i> 's Troop, not paid by his Majesty —————	100
The Lord <i>Dungarvan</i> 's Troop —————	100
	Sir



Sir John Sucklin's Troop \_\_\_\_\_ 100  
Six Troops under the Command of the Lord Chamberlain, cont.-- 600

15 Caroli.

*Dragoons.*

Six Companies under the Command of Colonel Francis Trafford,  
containing \_\_\_\_\_ 600  
Captain Widdrington's Troop \_\_\_\_\_ 120  
Captain Douglass's Troop \_\_\_\_\_ 100  
Captain Charlton's Troop \_\_\_\_\_ 50  
Captain Elliot's Troop \_\_\_\_\_ 100  
Sir William Lambton's Troop, Duresme \_\_\_\_\_ 100  
Sir Thomas Fairfax's Troop \_\_\_\_\_ 160  
Captain Butler's Troop \_\_\_\_\_ 130  
Mr. Henry Pierce's Troop \_\_\_\_\_ 100

Sum of the Horse 3260

May 29. Soon after his Majesty's coming to the Camp at *Barnwick*,  
he received this Letter from Marquess *Hamilton*.

Most Sacred Majesty,

**E**Very day may produce new Counsels, and if I alter in them, impute it  
not to fickleness, but to the reality of my Intentions to your Majesty's  
Service, that writes what I think.

Marquess *Hamil-*  
*ton's* Let-  
ter to the King,  
May 29.

Hearing for certain that the Covenanters have given Obedience to your  
Majesty's last Proclamation, and will not come within ten miles of the  
Borders, there is now no more doubt to be made, but that you will be so  
fast in your Leaguer, that it will not be in their Power to do the least af-  
front to your Army. So as my farther Treaty in these Parts where I am is  
to no end, since that is effected which was only laboured for, your Majesty  
being in security. So I conceive it will now be time to speak other Lan-  
guage than hitherto hath bin done, and they to be enjoined a total Obedience  
to your just Commands. This will be best put in execution by your own  
immediate Directions, you being now so near the Rebels; for if your Plea-  
sure should be sent to me, the Winds being uncertain, and I more uncer-  
tain how to put the same in execution, (I mean, if they be Commands of  
Treaty) your Service might receive prejudice by delays; and to deal really  
with your Majesty (which I humbly desire your Majesty to pardon me for  
expressing) I have no desire at all to be imploied in Treaty with this People,  
for many Reasons: Amongst which this is not one of the least, That as  
I hear the Earl of Traquaire and Southesk are desirous to have leave to  
come to me, which (whatsoever course your Majesty shall be pleased to take)  
I beseech you not to grant; for the effects of their coming to me, will pro-  
duce no great good to your Service, and prove infinitely prejudicial to me;  
for so unhappy am I still, that if by the Faults of others your Service mis-  
carrieth, the Fault is still laid on me, by those whom I have not deserved  
it from.

Notwithstanding my averseness of farther Treaty, I have not refused as  
yet to admit any that shall be sent with their Petitions; but this I only do  
till the return of Sir James, by whom I expect the signification of your  
Majesty's Pleasure: in the interim, if any desires of theirs be sent me,

Dddddd 2

my

An. 1639.

my Answers shall be such as your Majesty shall be no ways engaged by them.

I have writ of some other Particulars to Mr. Treasurer, so your Majesty shall be no more for the present troubled by

From aboard the Rainbow  
in Leith-Road, May 29.  
at 7 morning, 1639.

Your Majesty's

Most Loyal Subject, and

Humble Servant,

HAMILTON.

The Lord Deputy understanding his Majesty was on his March, in order to encamp himself and Army, offers his Advice in that Particular, by a Letter dated May 30.

May it please your Majesty,

Lord Deputy's  
Letter of Ad-  
vice to the  
King to en-  
camp his Army

**H**aving given so particular an Answer to what Mr. Treasurer Vane wrote unto me from your Majesty, this may well be of less pain in the reading, craving leave to refer my self thereunto.

The Commissions for taking the Oath of Abjuration from all of the Scottish Nation on this side, are already under Seal, and shall be sped with all possible care and diligence, not doubting but they will produce the Effect desired and expected.

Sir Henry Bruce came hither this week, and hath already his dispatch toward my Lord of Antrim. In truth he seems to be a very fair conditioned Gentleman, and knowing in his Profession; and there is need he be so, for he will not find among all that Earl employs, one other that doth therein understand any thing at all.

We hear now and then, that they intend to Beat, to Bang, to Conquer; but the way how, the means wherewith they should make themselves as good as their word, as yet appears not to the Ministers of this State; nor can I find, by the Discourse I have had with him, that Sir Henry Bruce hath hitherto any great opinion or belief in the Design of the Earl, or his Party.

These Lines will have the honour to be delivered to your Majesty in the Camp Royal; God Almighty fight for you, and with your Batalions; and admit the liberty humbly to beseech your Majesty,

To intrench your Army with all possible strength and diligence, that so you may not be constrained to any thing above your liking by the Enemy; and that the place be so chosen, wherein you may both have the Sea to Friend, and a safe and free Passage betwixt your Majesty's Camp and Barwick, for by this means you shall not only secure your Person, but the Kingdom of England from any sudden and desperate fury of the Rebels, being that which they only can endanger either the one or the other by.

Next; Not to provoke them by any Offensive Act to break in upon their Neighbours this Summer, till it be the end of August, keeping all quiet as possibly may be till then.

Indeed,



Indeed, I conceive strengthning your Horse all that possibly you may the whilst, by the beginning of September, if no other sense of their own Transgressions, and your Majesty's Clemency, shall be able to perswade them into their Duty, you may with great success suddenly march up all your Horse as far as Edinburgh, and spoiling and burning all the Corn of their Champaign Country, and taking from them all their Shipping, Fishing and Commerce, leave them to fight it out for the rest of the Winter among themselves with cleanness of Teeth, when a strong Garrison at Berwick, and the very instant season of the Year shall move them, whether they will or no, to keep near their own Fires side.

And Lastly, Your Majesty to give order to secure Carlisle, by putting 1500 Men more into the Town; 500 Men being too small a number, to make it good against an Enemy; however, not to divide those 500 at least, as lately they were, one hundred of them being taken forth of the Town to defend Bencaastle, and another hundred to the guarding of another Castle, being places of no strength, or consequence, and which an Enemy would scarcely ever think upon, unless incited thereunto out of a hope to have Execution of those two Companies, so separated from the rest of the Regiment. God long preserve your Majesty.

Dublin, May 30.  
1639.

Your Majesty's  
most faithful, most humble  
Subject and Servant,

WENTWORTH.

Thursday, the King goes to Berwick, to see in what posture that Garrison was, and what Provisions was laid in there for the same, and the same day the Earl of Newcastle marched with his Troop, carrying the Princes Colours, into Berwick, and sent out Parties to scout upon the Scots Borders; his Troop consisted all of Gentlemen, most of them of very good Estates, and Fortunes, some of 2000 l. 1500. l. 1000. l. and 500. l. per Annum, and the rest of good Annual Revenue; all gallantly mounted and armed, and well attended, with their own Servants well mounted: for the maintaining of which Troop the King was put to no Charge at all.

The same Day the King had Intelligence, that General Lesly with about 6000 of the Scottish Army were quartered at Dunce, a Town about seven Miles distant from the English Camp, and the Day following, May 31. commanded the Earl of Holland, General of the Horse, to march with 2000 Horse into Scotland, and take his Advantage upon the Enemy. Accordingly the Earl marched, but the Enemy (having better Intelligence of our Motions and Intentions, than we had of their Quarters) was not to be found; upon the coming of our Forces into the Town, the People cryed, God bless the King, and that they were all his Majesty's obedient Subjects, and readily brought forth their Scots Ale, and what they had, to bid the English Welcome, and so the Earl having read the King's Proclamation, returned back to the Camp. This Passage was observable in that March, that the Earl of Holland put the Princes Colours, commanded by the Earl of Newcastle, in the Rear,

Caroli 15.

May 30.

The Earl of Newcastle marches with the Prince's Troop into Berwick.

The Earl of Holland marches with 2000 Horse to Dunslaw.

Apr. 16. 9.  
The Lord of  
Newcastle  
takes off his  
Colours from  
his Staff.

Rear, which so offended the Earl of *Newcastle*, and that Troop, as his Lordship commanded Cornet *Edward Gray* (Brother to the Lord *Gray of Wark*) to take the Colours from off the Staff, yet marched in order without Colours, which afterwards produced a Challenge, of which more in another place.

*Bartue* Lord *Willoughby*, Earl of *Lindsey*, was that day made Governor of *Barwick*, Sir *Michael Earnley* an experienced Commander, had the Command of that Garrison till the King came that day in Person to *Barwick*.

Now having settled the King and his Land Forces in the Camp, give the Author leave a little to revert in point of time, to give a brief account of the Forces sent by Sea under Marquess *Hamilton*, against the *Scots* from the time the Marquess entred the *Frith* with his Fleet.

May 1.

Marquess *Hamilton* entred the *Frith*, an Arm of the Sea, and cast Anchor in *Leith-Road*: but as soon as he came thither, Beacons were set on Fire upon all the Hills, to alarm the Country to rise and get together for the defence of the *Frith* on both sides, and to prevent the Landing of Forces, but the Marquess's Orders, were in the first place to get the Proclamation published, to which purpose he sent a Letter to the Clerk of the Council, then at *Edinburgh*, to come to him: but the Clerk returned answer, That he was kept by force from coming to wait upon him.

May 2.

The Marquess landed his Forces on *Inckkeith* and *Inckcome*, two little Islands in the *Frith*, and the Wells being out of order, he caused them to be cleansed for the relief of his Souldiers, and exercised those raw Men that were sent unto him, but the Small-Pox fell among them and many died.

May 5.

Three days after his former Message to the Magistrates of *Edinburgh*, he sent one ashore, with his Majesties Proclamation inclosed in a Letter to them, commanding them to publish it the next day in due form, under all pains; and sent another Proclamation to the Clerk of the Council, commanding him to see it published, or if that were not done, to affix it at the Cross. But the Magistrates desired a delay of three days, to which he yielded, because he would have the eight days fully past which were prefixed for People to come in upon the Proclamation, which was to expire on the 9th of *May*.

About which time his Majesty writ this Letter to the Marquess.

HAMILTON,

May 8. His  
Majesty writ  
this Letter  
from *Newcastle*  
to the Mar-  
quess.

I Give you my opinion, that if you find it not fit to land all your 5000 Men upon *Lothian-side*, then it may be countable to send most of your Land Men to the North, to strengthen my Party there. As for your landing in the South, I shall only name *Centallon* and *Sterlin*, (if that be not too far off to be relieved): as for *Centallon* I shall command the Marquess of *Dowglas* to send one to agree that Business with you. So longing to hear from you, and wishing you good Luck, I Rest,

Newcastle, May 8.

1639.

Your assured Constant Friend,

CHARLES R.



On the 9th of May, the Marquess received this following Letter, signified by about forty of the chief Lords and Gentlemen Covenanters, shewing how this Proclamation was against Law.

Please your Grace,

AS we were here met to attend the Parliament, indicted by his Majesty, there was shewed to us by the Provost of *Edinburgh*, a Letter from your Grace to himself, and the Bayliffs, and Council of this City, with the Copy of theirs returned to your Grace, deferring the more full Answer till our meeting. And withal there was presented from your Geace his Majesties Proclamation, which having perused, we find it doth contain divers points not only contrary to our National Oath to God, but also to the Laws and Liberties of the Kingdom, for it carries a denunciation of the High Crime of Treason, against all such as do not accept the offer therein contained; albeit it be only a Writing put in Print without the Kingdom, and not warranted by Act and Authority of the Council, lawfully convened within this Kingdom. And your Grace in your Wisdom may consider, whether it can stand with the Laws, Liberties, and Customs of this Kingdom, that a Proclamation of so great and dangerous consequence, wanting the necessary Solemnities, should be published at the Market-Cross of this City. Whereas your Grace knows well, that by the Laws of this Kingdom, Treason and Forfeiture of the Lands, Life and Estate of the meanest Subject within the same, cannot be declared but either in Parliament, or in a supreme Justice Court, after Citation and lawful Probation; how much less of the whole Peers and Body of the Kingdom, without either Court-proof or Trial. And albeit we do heartily and humbly acknowledge and profess all dutiful and civil Obedience to his Majesty, as our Dread and Gracious Sovereign; yet since this Proclamation does import in effect the renouncing of our *Covenant* made with God, and of the necessary means of our lawful Defence, We cannot give Obedience thereto, without bringing a Curse upon this Kirk and Kingdom, and Ruin upon our Selves and our Posterity; whereby we are perswaded, that it did never proceed from his Majesty, but that it is a deep Plot contrived by the Policy of the devilish Malice of the known and cursed Enemies of this Church and State, by which they have intended so to dis-join us from his Majesty, and among our Selves, as the Rupture, Rent, and Confusion of both might be irreparable; wherein we hope the Lord (in whom we trust) shall disappoint them. And seeing we have left no means possible unessayed since his Majesty's coming to *Tork* (as before) whereby his Majesty's Ear might be made patent to our just Informations, but have used the help (to our last *Remonstrance*) of the Lord *Gray*, the Justice Clerk, the Treasurer, and the Lord *Daniel*, as the Bearer can inform your Grace, and yet have never had the happiness to attain any hopes of our End, but have altogether bin frustrate and disappointed; and now understanding, by the sight of your Grace's Letter, That your Grace, as his Majesty's High-Commissioner, is returned with full Power and Authority to accommodate Affairs in a peaceable way, we will not cease to have recourse to your Grace, as one who hath chief Interest in this

Kirk

An. 1639.

Kirk and Kingdom; desiring your Grace to consider, (as in our judgment we are perswaded) That there is no way so ready and assured to settle and compose all Affairs, as by holding of the Parliament according to his Majesty's Indiction, either by his Sacred Majesty in Person, (which is our chiefest desire) or by your Grace, as his Majesty's Commissioner, at the time appointed; wherein your Grace shall find our Carriage most humble, loyal, and dutiful to our Sovereign, or to your Grace, as representing his Majesty's Person; and in the mean time, That your Grace would open a safe way, whereby our Supplications and Informations may have access to his Majesty's Ears: And we are fully perswaded, that we shall be able to clear the lawfulness and integrity of our Intentions and Proceedings to his Majesty, and make it evident to his Majesty and to the World, that our Enemies are Traitors to the King, to the Church and State; and that we are, and ever have bin, his Majesty's Loial and Obedient Subjects. So we Rest,

Edinburgh, May 9. 1639.

Your Grace's humble Servants,

*A. Lesley.  
Argile.  
Marr.  
Roths.  
Eglinton.  
Cassils.  
Wigtown.  
Dalkoussy.  
Lethian.  
Angus.*

*Elcho.  
Lindsey.  
Balmerino.  
Montgomery.  
Forrester.  
Erskins.  
Boyd.  
Napier.  
Burghly.  
Kirkudbright.*

And about thirty Commissioners for Sheirs and Burroughs.

To this Letter, the Marquess wrote the following Answer next day, directing it to the Earl of *Roths*.

My Lord,

**I** Received a Letter yesterday morning, signed by your Lordship, and divers Noblemen and others, wherein you allege you are come to attend the Parliament; but considering your Preparation and Equipage, it appears rather to fight a Battel, than to hold a civil Convocation for the good of the Church and Common-Wealth. You may perceize by his Majesty's Gracious Proclamation, That he intended, in his own Sacred Person, to be present at the Parliament, so soon as with Honour and Safety he might do it, and for that end express therein what was fit to be done. But these courses which you take, and your disobedience to his just Commands, daily more and more shewed, will necessitate him to have them put in execution another way. It is true, That his Majesty sent me hither to accommodate these Affairs in a peaceable manner, if it were possible, which I have laboured to do, and accordingly my deportment hath bin, which hath bin met with that Retribution, as if I had met with the greatest Enemy; but your refusing to publish his Majesty's Grace to his People, signified in his Proclamation, hath taken away that Power which otherwise I had, that  
being



being a Liberty taken to your selves, which never any Loial Subjects assumed in any Monarchy. You allege many Reasons for your selves of the Illegality of that Proclamation: But you cannot be ignorant that your Carriage hath forced many of these Principal Counsellors, for safeguard of their Lives, to forsake the Kingdom, out of which they remain; yet for the same cause you have suppressed the printing of all Writings, but what is warranted by Mr. Alexander Henderson, and one Mr. Archibald Johnston. Neither was the Clerk of the Council, whom I sent for twice to give him Directions in this Business, permitted to come aboard to me; upon conference with whom (for any thing you know) I might have resolved to come ashore and convened a Council for the publication thereof in the ordinary way. But your extraordinary proceedings in all things, must needs force from his Majesty some things which perhaps you may think not ordinary. Whereas you desire me to be a means that your Supplications may have free access to his Majesty's Ears: it is a Work of no difficulty, for his Majesty hath never stopt his Ears to the Supplications of any of his Subjects, when they have bin presented to him in that humble and fitting way which became dutiful Subjects: Nor did I ever refuse any, all the time I was among you, or conceal any part of them from his Majesty; so that your Allegation of not being heard, is grounded upon the same false Foundations that your other Actions are, and serves only for a means to delude the simple People, that by making them believe what you have a mind to possess them with, they may become backers of your unwarranted Actions; which as it is generally lamented by all his Majesty's good Subjects, so it is more particularly by me, who have had the honour to be employed in this Business with so bad success.

May 10.

My Lord,

Your humble Servant,

HAMILTON.

On the 13th of May the Marquess received the following Letter, signed, but not written by the Earl of Rothes.

Please your Grace,

I Should have bin far better contented to have seen you here at the Parliament with his Majesty, or holding that indicted as his Majesty's Commissioner, than with Navy and Army to constrain us beyond these just Limits of Religion, and lawful Obedience which we were always willing to perform. It was far by my Expectation, and your Grace's Oath & Promise, that you should never come in any chief Command against your Native Country. Whereas your Grace doth challenge our coming in such Numbers to attend this Parliament, I hope you conceive that this Navy, and Army upon the Borders, and the Invasion threatned in the West, do sufficiently warrant our Preparations to defend these Places, and divert such Dangers. That Proclamation that is said to carry so much Grace and Goodness, is as destitute of that, as your Invasion is of a good Warrant; which persuades me, That neither of the two proceeds from his Majesty's own

Eeeee

Gracious

An. 1639.

Gracious Disposition. I cannot stand here to answer all these mis-  
 conceived Particulars contained in your Grace's Letter ; but if I  
 had the honour to see your Grace, before any more mischief be  
 done, I dare engage my Honour, and my Life, to clear all these  
 Imputations laid on our Proceedings ; and I can demonstrate how  
 hardly we have bin used, without any just Reason. I dare not be  
 answerable to God Almighty, and to that Duty I owe my Prince  
 and Country, if I do not shew your Grace, that your going a little  
 further in this violent and unjust way, will put all from the hopes of  
 Recovery ; from which both a great deal of Blame from Men, and  
 Judgment from Above shall attend you as the special Instrument,  
 which I wish you labour to evite. If our Destruction be intended,  
 we are confident in that Majesty who owns this Cause, and is able to  
 defend it ; and if only Terrors to fright, and prepare us to accept of  
 any Conditions will be offered ; that Intention is already as far dis-  
 appointed, as any of these many former : but as we are ready to  
 defend, so ever to insist in supplicating, in using all humble and  
 lawful means as becomes us.

Mr. Borthwick will deliver to your Grace our Supplication to his  
 Majesty, and both his and my Mind, till I shall have the occasion to  
 disburthen my self, surcharged with grief at your Proceedings, be-  
 ing most desirous (as I have bin formerly) to have all these Occa-  
 sions removed, that may divert me from being still,

Your Grace's humble Servant,

ROTHERS.

On the 17th of May, the Marquess returned the following Answer  
 to the former Letter from the Lord Rother.

My Lord,

The Marquess  
 Answer,  
 May 17.

I Have received your Lordship's Letter, signed by you, but I cannot con-  
 ceive it of your Lordship's indicting ; for I believe you would not have  
 sent such an one to me, if you had not had some Malignant Spirits busied  
 in the framing of it : for you cannot but remember, that my words were  
 never other, than that I would die at my Master's Feet ; and that I would  
 prove an Enemy, to the uttermost of my power, to this Kingdom, if my  
 Country-men continue in their Obstinary : And here I set it under my  
 hand, That I will (by God's Grace) make it good. It is true, knowing  
 my own inability, I neither desired, nor indeed willingly did accept the  
 Conduct of an Army against this Nation ; but my backwardness proceeded  
 not out of a desire not to be employed against such in this Country as were  
 disobedient, but that his Majesty might have found many more able to have  
 served him ; but since he hath bin pleased to trust me, I will not deceive  
 him.

You pass by many Particulars in your Answer to my Letter untouched,  
 saying, You cannot stand here to answer them. It is most true, they are  
 not to be answered, and so I take it.

As for your own Justification, it is the same which you have ever  
 used, and so continue ; but the best is, none that were ever truly in-  
 formed



formed of your Proceedings, doth or can give any approbation of them. 15 Caroli.

You say, If I go any further in a violent Course, it will be past all hope of Remedy. If I do, none can blame my Master: for that can never be called Violence, which is only to suppress Rebellion: and if I proceed to execute his Commands therein, you are the Causers of it. As Mr. Borthwick told me, I expected to have heard further from you before now; but nothing coming, I would forbear no longer to give you this Answer under my hand, that both you and all the World may take notice what my Inclinations are: Which notwithstanding I do infinitely desire they may be stopt, by your speedy and real submission to his Majesty's just Commands. And this is the Prayer of him, that wisheth it may be still lawful for him to call himself

From on board the  
Rainbow, May 17.

1639.

Your Lordship's humble Servant,

HAMILTON,

A little after the Lord *Lindsey*, Brother-in-Law to the Marquess, came a-board the Marquess, who told him, They would sooner lay down their Lives, than depart from what they had done; and that their Army consisted of 25000 Men. After some Discourse, *Devic* and several Persons of Quality being present all the while, the Marquess dismissed him.

The Lord  
*Lindsey* comes  
on board to  
the Marquess.

And hereupon the Marquess informed the King, That beside 25000 Men which were marching upon the Borders, there were 20000 Men on both sides of the *Frith* to give stop to his landing; and withal advised the King, That the three Regiments which he had, consisting of 5000 Men, were not sufficient to secure his landing, and to march into the Country; and so prayed to have some Regiments sent him from the Army.

Having given a brief account of the Forces at Sea, we return again to the Army at Land, and the Proceedings at the Camp.

On Sunday, June 2. there was great resort to Court at the King's Pavilian in the Camp, of the Nobility, Gentry, and Commanders of the Army; a Council of War was then called, to whom information was given, That the Scots were in their Quarters at *Kelsey*, being about 1500 Men, and about six miles distance.

The Debate produced a Resolution of *Action*; and the next day, being Monday, June 3. the Earl of *Holland*, with 2000 Horse and 2000 Foot, marched again into *Scotland* over the River *Tweed* near *Twisse*, (a Town belonging to Sir *William Selby*) to fall upon the Scots who were at *Kelsey*. That day proved sultrey hot, the like not known in the memory of Man, the Foot (though somewhat refreshed by wading through the River *Tweed*) were not able to reach the Horse, already advanced within sight of the Enemy, being in the Rear two or three miles. The Scots sent a Trumpeter to know who they were that came in that War-like posture into their Nation; and a Body of Horse came forward at a distance after the Trumpeter; their Foot also, who had bin covered by Hedges, and some little Hills,

The Earl of  
*Holland* with  
2000 Horse a-  
gain enters  
*Scotland*.

An. 1639.



appeared unexpectedly on both sides of the *English* Horse, being about 4000, who came the night before into *Kelsey*. Whereupon the General of the Horse consulting with Sir *Jacob Ashley*, Lord *Goring*, &c. and divers other of his Officers, advised him to Retreat, holding it not wisdom to engage with Horse alone, against Horse and Foot, in a place of so much disadvantage to the *English* Horse; and so the General of the Horse returned to the Camp. But these unsuccessful Attempts at *Dunce* and *Kelsey*, gave great discouragement to the King's Army; and the voice of the private Souldiers was, Now let us all march and be in Action, rather than to lie in the Fields, want Provisions, and contract Diseases.

Now for a more particular Account of this Business at *Kelsey*, cast your Eye on this following Letter, written at that time by Sir *Henry Vane* to Marquess *Hamilton*, dated the 4th of *June*.

My Lord,

Sir *Hen. Vane's*  
Letter to Mar-  
quess *Hamil-*  
*ton* concerning  
the march to  
*Kelsey*.

**B**Y the Dispatch Sir *James Hamilton* brought your Lordship from his Majesty's Sacred Pen, you were left at your liberty to commit any Act of Hostility upon the Rebels, when your Lordship should find it most opportune. Since which my Lord *Holland* with 1000 Horse and 3000 Foot marched towards *Kelsey*, himself advanced towards them with the Horse (leaving the Foot three miles behind) to a place called *Maxwell-heugh*, a height above *Kelsey*; which when the Rebels discovered, they instantly marched out with 150 Horse, and (as my Lord *Holland* says) eight or ten thousand Foot; five or six thousand there might have bin. He thereupon sent a Trumpet, commanding them to Retreat, according to what they had promised by the Proclamation. They asked whose Trumpet he was? He said, My Lord *Holland's*. Their Answer was, He were best to be gone. And so my Lord *Holland* made his Retreat, and waited on his Majesty this night to give him this Account.

This morning Advertisement is brought his Majesty, That *Lesley* with 12000 Men is at *Corkburn-spath*, that 5000 Men will be this night or to morrow at *Dunce*, 6000 at *Kelsey*; so his Majesty's Opinion is, with many of his Council, to keep himself upon a Defensive, and make himself here as fast as he can; for his Majesty doth now clearly see, and is fully satisfied in his own Judgment, that what passed in the \* Gallery, betwixt his Majesty, your Lordship, and my Self, hath bin but too much verified on this occasion. And therefore his Majesty would not have you to begin with them, but to settle things with you in a safe and good posture, and your self to come hither in Person, to consult what Counsels are fit to be taken, as the Affairs now hold. And so wishing your Lordship a speedy Passage, I Rest,

From the Camp at  
*Huntley-field*, this  
4th of *Jun.* 1639.

Your Lordship's  
most humble Servant,  
and faithful Friend,

H. VANE.

To

\* That the Nobility & Gentry of *England* would never incline to invade *Scotland*, and thereby begin an Offensive War.



To which his Majesty added this following *Postscript* with his own Hand.

Having no time to write my Self so much, I was forced to use his Pen; therefore I shall only say, That which is here written, I have directed, seen, and approved.

C. R.

It is to be observed, That before the Lord General of the Horse marched to *Dunee* in *Scotland*, the Scots had engaged themselves unto the King, that they would not march with their Army within ten miles of the Borders of *England*, they supposing that his Majesty did not intend to enter into *Scotland* with his Army; but upon the said march of the Earl of *Holland* to *Dunee*, General *Lesley* thought himself obliged to march nearer the Borders of *England*, and thereupon advanced with five or six thousand Men to *Kelsey*, which the General of the Horse found there, when he entred the second time into *Scotland*.

*Wednesday, June 4.* The King commanded all the Nobles, Gentry, and Retinue of his own Person, to appear in Arms, who were countenanced with his Majesty's Presence; this was a gallant show. They were no sooner dismounted, and had sent their Horses to their several Quarters, but the Camp received an Allarm, that the Enemy was upon them; which Allarm caused a confused riding and hurrying up and down the Camp, and seemed to strike an Amazement into those Spirits, otherwise undaunted at other times, it coming so sudden and unexpected. The Party that brought the Alarm was Sir *John Biron*, who went immediately into the Pavilion, shewed his Majesty the Enemy marching, and the Colours flying as he apprehended; but the King came out of his Pavilion, and took his Prospective Glass, and went near the River side, and discerned the whole Body of the Scots Army on this side *Dunee-hill*; many of the Nobility and Gentry being about the King, said, They could discern the Colours to advance; to which the King replied, (with a Court Oath) They were mistaken, for they had already pitched their Tents, and their Colours were all fixed upon the Ground, and that the Army seemed to be encamped. Have not I (said the King) good Intelligence, that the Rebels can march with their Army, and encamp within sight of mine, and I not have a word of it till the Body of their Army give the Alarm? Presently hereupon the Lord General the Earl of *Arundel*, was sent for to the King; The Scout-Master was much exclaimed against, and he complained as much of the Souldiers who were sent out as Scouts, and gave him no timely intelligence. But in the Opinion of the Court and Commanders, the Scout-Master General bore the blame; and his Crime was aggravated, because he was a Papist.

The Lord General made this Reply to those Nobles that accused the Scout-Master, That he made choice of him, (by Name *Roger Wid-drington* Esq;) as the fittest Man in *England* for the Office of Scout-Master, being born in that County of *Northumberland*, and one best acquainted with all the *Highland*-men upon the Borders of *Scotland*, and

15 *Caroli.*

The King takes a view of the Muster of his own Guards.

The Scottish Army in sight of the King before he had notice.

The Scout-master questioned.

An. 1629.

and who was best able, of any Man he knew in *England*, to gain Intelligence from thence; and that it was notoriously known, he was a Gentleman that ever bore a perfect hatred to the *Scots*, and was a stout active Man upon Border-Service in the time of Queen *Elizabeth*; that he was a Person of Quality, and he doubted not of his Integrity, and that he would justify himself.

In conclusion, this Business was hush't up, but great was the murmuring of the Private Souldiers in the Camp; and now the Army that was so forward to engage before, seem'd more indifferent, complaining of ill-Provisions, that the Bisket was mouldy, that they could get no drink to the Camp; only Sir *William Savil* had carefully provided for his Regiment more than the whole Camp besides; no supply was there to be got out of *Scotland*, but a few Lambs were brought and sold in the Army, and *Northumberland* was not able to victual the tenth part of the Army; and the Garison of *Barwick* was so numerous, that they could not Bake and Brew to supply themselves alone.

While the Army was in this Consternation of Mind, on *Thursday, June the 6th*, there was again great resort to the Court at the King's Pavillion, to understand what the Council of War, then met, would resolve upon; and while they were in debate what Resolutions to take, in came a Trumpeter with the Earl of *Dunfermling*, who brought a Petition to the King's Majesty in these words;

## To the King's most Excellent Majesty,

*The humble Petition of his Majesty's Subjects of Scotland.*

*Humbly sheweth,*

‘**T**Hat whereas the former means used by us have not yet bin effectual for receiving your Majesty's Favour, and the Peace of this your Native Kingdom, We fall down again at your Majesty's Feet, most humbly supplicating, That your Majesty would be graciously pleas'd to appoint some few of the many worthy Men of your Majesty's Kingdom of *England*, who are well-affected to the True Religion, and our Common Peace, to hear, by some of us, of the same Affection, our humble Desires, and to make known unto us your Majesty's gracious Pleasure; That as by the Providence of God we are here joined in one Island, under one King; so by your Majesty's great Wisdom and tender Care, all Mistakings may be speedily removed, and the two Kingdoms may be kept in Peace and happiness under your Majesty's long and prosperous Reign. For the which we shall never cease to pray, as becometh your Majesty's most Faithful Subjects.

Unto which Petition, his Majesty commanded Mr. Secretary *Cook* to subscribe the Answer following.



**T**He King's Majesty having read and considered the humble Supplication presented unto him by the Earl of Dunfermling, commanded Sir Edmond Verney, Knight-Marshal, to return with the Defenger this Answer.

That whereas his Majesty hath published a Gracious Proclamation to all his Subjects of Scotland, whereby he hath given them full assurance of the free enjoying both of the Religion and Laws of that Kingdom; as likewise a free Pardon, upon their humble and dutiful Obedience. Which Proclamation hath bin hitherto hundred to be published to most of his Majesty's Subjects; therefore his Majesty requireth, for the full information and satisfaction of them, that the said Proclamation be publickly read. That being done, his Majesty will be graciously pleased to hear any humble Supplication of his Subjects.

Signed, John Cooke.

According to which Answer, Sir *Edmond Verney*, Knight-Marshal, was sent with the foresaid Earl to the Scottish Camp, there to see his Majesty's said Proclamation proclaimed.

June the 7th, being *Friday*, the Earl of *Dunfermling*, with the Knight-Marshal, returned to his Majesty, being then in his Camp at the *Birks*, with notice, That the foresaid Proclamation had bin proclaimed in the Scottish Army; and brought with him a Petition of the same Tenour with the former, humbly beseeching his Majesty to vouchsafe them a Gracious Answer.

June the 8th, being *Saturday*, his Majesty caused Mr. Secretary *Cooke* to answer the Petition in manner following, viz.

**H**is Majesty having understood of the Obedience of the Petitioner in reading his Proclamation, as was commanded them, is graciously pleased so far to condescend unto their Petition, as to admit some of them to repair to his Majesty's Camp upon Monday next, at eight of the Clock in the Morning, at the Lord-General's Tent; where they shall find six Persons of Honour and Trust appointed by his Majesty to hear their humble Desires.

The six persons designed to meet with the said Scottish Deputies, were, The Lord General, the Earl of *Essex* Lieutenant-General, the Earl of *Holland* General of the Horse, the Earls of *Salisbury* and *Berkshire*, and Mr. Secretary *Cooke*.

June the 9th, being *Sunday*, the foresaid Earl of *Dunfermling* returned to his Majesty from the Lords Covenanters, humbly intreating, in their Names, That his Majesty would be pleased to sign the Answer to their Petition with his own Hand; for that although themselves did not mistrust his Majesty's Word signified by the Secretary, yet the People and Army would not suffer their Deputies to come without his Majesty's own Hand and Warrant: whereupon his Majesty signed the like Answer himself, adding a seventh Person to the six formerly

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formerly named, which was Sir *Henry Vane*, Treasurer of the Household. With which Answer the said Earl of *Dunfermling* returned to the Scottish Camp.

*June the 10th*, being *Monday*, the Scottish Deputies sent unto his Majesty, humbly praying that their Attendance might be respited until the next day.

*June 11. Tuesday*, About ten of the Clock the Earl of *Rothes*, the Earl of *Dunfermling*, the Lord *London*, and Sir *William Douglass* Sheriff of *Trivdale*, Deputies for the Scottish Covenanters, came from their Camp near *Dunee*, to the Lord General's Tent; where the said Lord General, the Earls of *Essex*, *Salisbury*, *Holland*, and *Berkshire*, Mr. Treasurer *Vane*, and Mr. Secretary *Cooke*, received them. And being ready to begin their Conference, his Majesty came unexpectedly in among them; and having taken his Seat, told the Scottish Deputies, That he was informed that they complained they could not be heard; and therefore he was now come himself to hear what they would say. Whereunto the Earl of *Rothes* made answer, The tenour whereof was, A profession of all Loyalty to his Majesty, and an humble desire that they might be secured in their Religion and Liberties. And after him the Lord *London* began to make an Apology in excuse of their former Actions, and manner of Proceedings. But his Majesty took him short, and told them, That he would not admit of any their Excuses for what was past; but if they came to sue for Grace, they should set down their Desires particularly in writing, and in writing they should receive his Answer. Whereupon (after some Conference among themselves) they copied out of a Paper which they had brought with them, their Desires, which they exhibited to his Majesty *in hæc verba*.

*The humble Desires of his Majesty's Subjects of Scotland.*

First, It is our humble desire, That his Majesty would be pleased to assure us, that the Acts of the late Assembly holden at *Glasgow* by his Majesty's Indiction, shall be ratified in the ensuing Parliament to be holden at *Edinburgh*, *July 23*. since the Peace of the Kirk and Kingdom cannot endure further Prorogation.

Secondly, That his Majesty, out of his tender Care of the preservation of our Religion and Laws, will be graciously pleased to declare, and assure, That it is his Royal Will, that all Matters Ecclesiastical be determined by the Assemblies of the Kirk, and Matters Civil by Parliament. Which for his Majesty's Honour, and keeping Peace and Order amongst his Subjects, in the time of his Majesty's personal Absence, would be holden at set times, once in two or three years.

Thirdly, That a blessed Pacification may be speedily brought about, and his Majesty's Subjects may be secured; Our humble Desire is, That his Majesty's Ships and Forces by Land be recalled; That all Persons, Ships, and Goods Arrested, be restored, and we made safe from Invasion. And that all Excommunicate Persons, Incendiaries, and Informers against the Kingdom, who have out of malice caused these Commotions for their own private Ends, may be returned



returned to suffer their deserved Censure and Punishment, and some other Points, as may best conduce to this happy Pacification.

‘ As these are our humble Desires, so it is our Grief that his Majesty should have bin provoked to Wrath against us his most humble and loving Subjects. And it shall be our delight, upon his Majesty’s gracious assurance of the Preservation of our Religion and Laws, to give example to others of all Civil and Temporal Obedience which can be required or expected of Loyal Subjects.

After the reading whereof, his Majesty told them, That for the better clearing of Particulars, he expected from them the Grounds and Reasons of their Desires.

They replied, They could not suddenly set them down, nor without the Advice of the rest of their Fellows.

Whereunto his Majesty made Answer, That he would not surprise them, and therefore gave them time until *Thursday* next to come prepared with their Grounds in writing.

The Lord *Lowdon* said, Their Desires were only to enjoy their Religion and Liberties, according to the Ecclesiastical and Civil Laws of the Kingdom ; and in clearing Particulars, they would not insist upon any that were not such.

This his Majesty wished him to set down under his Hand in writing, which he did as followeth.

Memorandum, *That our Desires are only the enjoying of our Religion and Liberties, according to the Ecclesiastical and Civil Laws of his Majesty’s Kingdom.*

*To clear by sufficient Grounds that the Particulars are such, we shall not insist to crave any Point which is not so warranted. And we humbly offer all Civil and Temporal Obedience to your Majesty, which can be required or expected of Loyal Subjects.*

Signed, LOWDON.

After the reading of which Paper, his Majesty rose up and departed.

The Scottish Deputies, together with the English Lords, were invited by the Lord General to Dinner in his Tent ; and about two of the Clock those of *Scotland* departed towards their Camp.

*June 13. Thursday,* The aforesaid Scottish Deputies, bringing with them Mr. *Alexander Henderson* Minister of *Edinburgh*, and Mr. *Archibald Johnston* Register of the late Assembly at *Glasgow*, came to the Lord General’s Tent about ten of the Clock ; where they met with the aforesaid English Commissioners, and presently after his Majesty arrived ; Marquess *Hamilton* was likewise present, being lately come by Sea to *Berwick*, from the King’s Fleet in the *Frith*.

In the first place his Majesty caused an Answer to be read to the Paper which the Lord *Lowdon* had signed at the last Meeting, and to be delivered to the Scottish Deputies, being as followeth.

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That

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That whereas his Majesty, the 11th of June, received a short Paper of the General Grounds and Limits of their humble Desires ; his Majesty is graciously pleased to make this Answer.

That if their desires be only the enjoying of their Religion and Liberties, according to the Ecclesiastical and Civil Laws of his Majesty's Kingdom of Scotland, his Majesty doth not only agree to the same, but shall always protect them to the uttermost of his Power : And if they shall not insist upon any thing but that is so warranted, his Majesty will most willingly and readily condescend thereunto ; so that in the mean time they pay unto him that Civil and Temporal Obedience which can be justly required and expected of Loial Subjects.

At his Majesty's Camp, the 13th of June, 1639.

After the receipt whereof, the said Scottish Deputies exhibited to his Majesty a Paper, containing the Reasons and Grounds of their Desires, *in hæc verba.*

*Reasons and Grounds of our humble Desires, delivered the 13th of June.*

WE did first humbly desire a Ratification of the Acts of the late Assembly in the ensuing Parliament.

First, Because the Civil Power is Keeper of both Tables ; and where the Kirk and Kingdom are one Body, consisting of the same Members, there can be no firm Peace, nor stability of Order, except the Ministers of the Kirk in their Consultations may press the Obedience of the Civil Laws and Magistrate, and the Civil Power add their Sanction and Authority to the Constitutions of the Kirk.

Secondly, Because the late General Assembly Indicted by his Majesty, was lawfully constituted in all the Members, according to the Institution and Order prescribed by Acts of former Assemblies.

Thirdly, Because no Particular is enacted in the late Assembly, which is not grounded upon the Acts of preceding Assemblies ; and is either expressly contained in them, or by necessary Consequence may be deducted from them.

That the Parliament be kept without Prorogation, his Majesty knows how necessary it is, since the Peace of the Kirk and Kingdom calls for it without further delay.

We did secondly desire, That his Majesty would be pleased to declare and assure, That it is his Royal Will that all Matters Ecclesiastical be determined by the Assemblies of the Kirk, and Matters Civil by the Parliament, and other Inferior Judicatories established by Law ; because we know no other way of the preservation of our Religion and Laws.

And because Matters so different in their Nature, ought to be treated respectively in their own proper Judicatories, it was also desired, That Parliaments might be holden at set Times, as once in two or three Years, by reason of his Majesty's personal Absence,

which



‘ which hindereth his Subjects in their Complaints and Grievances, to  
‘ have immediate access unto his Majesty’s Prefence. 15 *ar.ii.*

‘ And whereas his Majesty requires us to limit our Desires, to the  
‘ enjoying of our Religion and Liberties, according to the Ecclesia-  
‘ stical and Civil Laws respective, We are heartily content to have the  
‘ occasion to declare, That We never intended it farther than the en-  
‘ joying of our Religion and Liberties.

‘ And that all this time past, it was far from our Thoughts to desire  
‘ to diminish the Royal Authority of our Native King, and Dread  
‘ Sovereign, or to make an Invasion upon the Kingdom of *England*,  
‘ which are the Calumnies forged and spread against us by the Malice  
‘ of our Adversaries; and for which we humbly desire, That in his  
‘ Majesty’s Justice they may have their own Censure and Punish-  
‘ ment.

‘ Thirdly, We desire a blessed Pacification, and did express the  
‘ most ready and powerful Means which we could conceive for bring-  
‘ ing the same speedily to pass, leaving other Means serving for that  
‘ End, to his Majesty’s Royal Consideration, and great Wisdom.

Unto which Paper, after it had bin read, his Majesty told them,  
They should receive an Answer on *Saturday* next; and afterward de-  
parted to his Pavillion. The said Scottish Deputies dined with the  
Lord General and English Lords, and about two of the Clock re-  
turned to their Camp.

*June 15. Saturday,* The foresaid Scottish Deputies came to the Lord  
General’s Tent, about ten of the Clock, where they found the Eng-  
lish Lords before-mentioned, the Lord Chamberlain being likewise  
present, who before was absent by reason of sickness. After a while  
his Majesty arrived, and commanded a Declaration to be read, which  
he had caused to be framed, in answer to the Covenanters Desires:  
Which was delivered to their Deputies, and by them considered of in  
a Room a-part among themselves. Who after some time returned,  
and making Exceptions to certain Clauses therein contained, the said  
Declaration was at last, with some Alterations, agreed upon, and ac-  
cepted by the same Deputies; only they besought his Majesty that  
they might shew the same to their Fellows, and on *Monday* next they  
would return with their Answer; unto which his Majesty assented,  
and departed. The Deputies as before, dined with the Lord Gene-  
ral, and after Dinner went back to their Camp.

*June 17. Monday,* The said Deputies returned, and in the Name  
of all those of the Covenanters, gave his Majesty most humble thanks  
for the Gracious Answer he had vouchsafed them to their Petition in  
the said Declaration: Which after some few words altered, was fully  
agreed upon by all Parties, together with certain Articles. The tenor  
of both which Declaration and Articles hereafter follow.

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## His Majesty's Declaration.

**W**E having considered the Papers, and humble Petitions presented unto Us by those of Our Subjects of Scotland, who were admitted to attend our Pleasure in the Camp; And after a full hearing by our Self of all that they could say or alleage thereupon, having communicated the same to our Council of both Kingdoms, upon mature deliberation, with their unanimous Advice, We have thought fit to give this just and gracious Answer.

**T**hat though We cannot condescend to ratify and approve the Acts of the pretended General Assembly at Glasgow, for many grave and weighty Considerations which have happened before and since, much importing the Honour and Security of that true Monarchical Government lineally descended upon Us from so many of our Ancestors: Yet such is Our gracious Pleasure, That notwithstanding the many Disorders committed of late, We are pleased not only to confirm and make good whatsoever our Commissioner hath granted and promised in our Name, but also We are further graciously pleased to declare and assure, that according to the Petitioners humble Desires, all Matters Ecclesiastical shall be determined by the Assembly of the Kirk, and Matters Civil by the Parliament, and other inferior Judicatories established by Law. Which Assemblies accordingly shall be kept once a Year, or as shall be agreed upon at the General Assembly.

And for settling the general Distractions of that our Ancient Kingdom, our Will and Pleasure is, That a Free General Assembly be kept at Edinburgh, the sixth day of August next ensuing, where We intend (God willing) to be personally present. And for the legal Indiction whereof, We have given Order and Command to our Council; and thereafter a Parliament to be held at Edinburgh the twentieth day of August next ensuing, for ratifying of what shall be concluded in the said Assembly, and settling such other things as may conduce to the Peace and Good of our Native Kingdom; and therein an Act of Oblivion to be passed.

And whereas We are further desired, that our Ships and Forces by Land be recalled, and all Persons, Goods, and Ships restored, and they made safe from Invasion, We are graciously pleased to declare, That upon their disarming and disbanding of their Forces, dissolving and discharging all their pretended Tables and Conventicles, and restoring unto Us all our Castles, Forts, and Ammunition of all sorts; as likewise our Royal Honours, and to every one of Our good Subjects, their Liberties, Lands, Houses, Goods, and Means whatsoever, taken and detained from them since the late pretended General Assembly, We will presently thereafter recall our Fleet, and retire our Land Forces, and cause restitution to be made to all Persons of their Ships and Goods, detained and arrested since the aforesaid time. Whereby it may appear, that our intention of taking up of Arms, was no ways for invading of our Native Kingdom, or to innovate the Religion and Laws, but merely for the main-



maintaining and vindicating of our Royal Authority. And since that hereby it doth clearly appear, that We neither have nor do intend any alteration of Religion or Laws, but that both shall be maintained by Us in their full Integrity, We expect the performance of that humble and dutiful Obedience which becometh Loyal and Dutiful Subjects, as in their several Petitions they have often professed. And as We have just reason to believe, that to Our peaceable and well-affected Subjects this will be satisfactory, so We take God and the World to Witness, That whatsoever Calamities shall ensue by our necessitated suppressing of the Insolencies of such as shall continue in their disobedient Courses, is not occasioned by Us, but by their own procurement.

## Articles agreed upon.

### I.

The Forces of Scotland to be Disbanded and Dissolved within eight and forty hours after the publication of his Majesty's Declaration, being agreed upon.

### II.

His Majesty's Castles, Forts, Ammunitions of all sorts, and Royal Honours to be delivered after the said publication, so soon as his Majesty can send to receive them.

### III.

His Majesty's Ships to depart presently after the delivery of the Castles, with the first fair Wind, and in the mean time no interruption of Trade or Fishing.

### IV.

His Majesty is graciously pleased to cause to be restored, all Persons, Goods, and Ships, detained and arrested since the first day of November last past.

### V.

There shall be no Meetings, Treatings, Consultations, or Convocations of his Majesty's Lieges, but such as are warranted by Act of Parliament.

### VI.

All Fortifications to desist, and no further working therein, and they to be remitted to his Majesty's Pleasure.

### VII.

To restore to every one of his Majesty's good Subjects their Liberties, Lands, Houses, Goods, and Means whatsoever, taken or detained from them by whatsoever means since the aforesaid time.

June 18. Tuesday, The said Scottish Deputies in the morning came to his Majesty's Pavilion, and there his Majesty signed the foresaid Declaration; and two several Copies were made of the above-mentioned Articles, whereof one Copy was signed by Mr. Secretary Cook, the Earl of Sterling Secretary of Scotland, the Earl of Rothes, the Earl of Dunfermling, the Lord Lowdon, Sir William Douglass, Alexander Henderson, with Archibald Johnston, which Mr. Secretary Cook retained. The other signed by Mr. Secretary Cook, and the Earl of Sterling, was delivered to the Scottish Deputies.

And

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And further the said Deputies signed another Paper of Submission to his Majesty, being as followeth.

*In the Camp, the 18th of June, 1639.*

‘**I**N Obedience to his Majesty’s Royal Commands, We shall, upon  
‘*Thursday* next the 20th of this *June*, dismiss our Forces, and im-  
‘mediately thereafter deliver his Majesty’s Castles; &c. And shall  
‘ever in all things carry our selves like Humble, Loyal, and Obe-  
‘dient Subjects:

Subscribed,

*Rother.*  
*Dunfermling.*  
*Alex. Henderson.*

*Lowdon.*  
*Douglas.*  
*A. Johnston.*

The said Deputies did further promise and undertake, That his Majesty’s foresaid Declaration should be read and published in their Army; which was accordingly done by *Lyon* King of Arms of *Scotland*, on *Thursday* the 20th, in the presence of the Earl of *Morton*, Sir *Edmond Verney*, Sir *John Burroughs*, (his Majesty’s Commissioners, sent thither to see the same performed) and that day the Scottish Army disbanded.

*June 22. Saturday*, His Majesty came from his Camp at the *Birke* to *Berwick*.

*June 24. Monday*, His Majesty’s Army was dismissed and dissolved.

The Earl of *Holland*, General of the Horse, after he returned from his first Expedition into *Scotland*, complained to his Majesty of the Earl of *Newcastle*’s taking off his Colours from his Staff in that March; the King being also by another Noble Person made acquainted with the reason of his so doing, because the Prince his Colours were put in the Rear: The King commended the Earl of *Newcastle*’s prudence in so doing, and did not attribute it to any unwillingness or neglect in that Earl of his Majesty’s Service upon that Occasion: And his Majesty commanded, That for time to come, that Troop of the Earl of *Newcastle*’s should be commanded by none but himself whilst they remained upon Duty.

Afterwards, when a Peace was concluded, and the Army disbanded, the Earl of *Newcastle* thought fit to require an Account of the Earl of *Holland* for the said Affront which he had put upon him; and sent a Challenge to him, and Time and Place where to meet was appointed: The Earl of *Newcastle* made choice of *Francis Palmes* for his Second, a Man of known Courage and Mettle. The Earl of *Newcastle* appeared at the Time and Place, with his Second; but the General of the Horse his Second came all alone: by which the Earl of *Newcastle* presently concluded, that the Design had bin discovered to the King; who commanded them both to be confined, and afterwards made a Peace between them.

The



The Lord Deputy hearing a Peace was concluded at the Camp at Berwick, proposed several Things to his Majesty's Consideration in this following Letter.

15 Caroli.

May it please your Sacred Majesty,

**U**Pon the return of Sir Henry Bruce from the Earl of Antrim, we found the Judgment he gave of that Action, no way differing, indeed totally confirming our Opinion therein; yet we held it fit to stay him here, expecting the return of my Servant, and what your Majesty might be pleased thereby to direct in that Particular: But so long had cross Winds detained that Messenger at White-haven, as with him also came a later Dispatch, wherein were the News of the Accommodation with those of the Covenant; which at present sets a Period both to the Designs of that Lord, and all others of that kind.

July 3.  
The Lord Deputy writes to the King at the Camp at Berwick.

And considering Sir Henry will be pleased to deliver this Letter, my Discourse needs to be the less, being a Gentleman able to represent unto your Majesty the outward state of these Affairs, which, God be praised, move still upon the Grounds of Quietness towards the Publick, of perfect Obedience toward your Majesty, and certainly so would have continued, amidst those late threatned Troubles and Distractions of your other two Kingdoms.

If your Majesty vouchsafe to speak with Sir Henry Bruce, you may be fully satisfied in all Particulars, and in my poor Belief, it may be of use to your Service to hear him, being of right good Affection to your Person, and one whose Truth and Understanding in his own Profession, are of much clearness and consideration.

This Testimony I must also give, as well of Captain Read as of himself, That I found them exceeding forward to serve the Crown; and, in truth, I deem both of them Gentlemen worthy your Majesty's gracious Esteem, Imploiment, and Trust.

Notwithstanding this suddain turn, we resolve to use all diligence in taking the Oath of the Scots, in such sort as was formerly prescribed, as holding it still to be of very great use and advantage, a little to allay, and render less positive those Demands your Majesty perchance may meet with in the next Assembly of the Covenanters, when they find that all are not minded as themselves, nor dancing after their Pipe.

Likewise we shall, if not otherwise directed, go on to provide (against all Events) your Magazines here, of ten thousand Foot, and one thousand Horse Arms, with all other Ammunitions proportionable thereunto.

All your gracious Directions, tending to an universal and lasting Peace, shall be on this side punctually pursued and fulfilled; may all Affections be rightly set and inclined for the accomplishment of so blessed a Work.

Yet admit my attention to your Sacred Person, and prosperity of your Affairs, most humbly to beseech your Majesty, not only to keep your Garrisons of Berwick and Carlisle strong, and well provided of all kind of Stores, but to perfect the Fortifications at Leith; and if possible, to put in a good Power there also, of Men approved for their Faith and Zeal to the Service of your Crown; for so total a defection as hath appeared in that People, is not to be trusted with your Sacred Person over-early, if at all; and this the rather, for that I conceive your Designs, and Royal Purposes

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Purposes thus sustained, will have also an excellent furtherance and operation amongst the Subjects in England.

I should not write thus much, but that I full well know the Goodness, Wisdom, and Secresy of my Master, having otherways sufficiently contracted already the ill-will of many of the Scottish Nation: Howbeit for which Transgressions, in good Faith I know not, the best is I apprehend not much, being already seated so low, as I have not far to fall. God long preserve your Majesty.

Your Majesty's

most faithful, and most humble

Subject and Servant,

WENTWORTH.

His Majesty whilst he resided at *Berwick*, took into his serious consideration, the sending of a High Commissioner into *Scotland*, both to the Assembly and Parliament, which were to meet, according to the Articles of Pacification, in *August* next. His Majesty did much press *Marquess Hamilton* to go upon that Employment; but he did earnestly excuse himself, and begged of his Majesty not to think further of it. Which Excuse prevailed with the King, and thereupon his Majesty sent into *Scotland* for *Traquair* to come to the Court at *Berwick*; and about the middle of *July* he came accordingly; and between his Majesty and him there were many Consultations about his Instructions.

Now whilst the King remained at *Berwick*, he sent for fourteen of the principal *Covenanters* to come to the Court and wait upon him: And whilst the King expected their coming, he gave Instructions to *Marquess Hamilton* to try what he could do to gain upon those Lords when they came to the Court, and to discover from them the bottom of their Intentions, when the Assembly and Parliament did meet, especially as to Bishops, &c.

The Scots began to be jealous that these fourteen Lords thus sent for to wait upon the King (being the Principal Men of that Kingdom, engaged in Zeal for the Covenant) and of great Interest in their Army; that if by the Scots Enemies at Court the King should be prevailed with to send them Prisoners to *London*, it might discompose all their Affairs both in the Army and Kingdom, not knowing what Incendiaries about the Court might further prevail against those Lords; so the Scots only sent three of the number whom his Majesty desired, viz. *Montrose*, *Lowdon*, and *Lowthian*, which the King took in great indignation; that when he had declared himself in his Treaty at the Camp to adventure his Person with them at the Assembly appointed to meet at *Edinburgh* in *August* following; and that they the Scots should not adventure those Lords to come to him whom he had sent for, put the King upon a Resolution not to go to their Assembly.



The three Lords before-mentioned, after they came to Court, and after Discourse with them by Marquess *Hamilton*, were much mollified, but *Montrose* was only perfectly gained to the King.

15 Carol.

The Draught of *Traquair's* Instructions were finished on the 27th of July at *Berwick*, and signed by the King, in order to pass the great Seal; but he did not receive the same under Seal till afterwards. For on the 28th of July the King took Post at *Berwick*, and having (rid 260 miles in four days) arrived at *Theobalds* and *London* on the first of August.

*Traquair's* Instructions passed the Seal on the 6th of August, and he was immediately dispatched Post into *Scotland*, to be at the Meeting of the Assembly at *Edinburgh*. The Instructions were to the effect following.

### Instructions for the Earl of *Traquair*, Lord High-Commissioner for *Scotland*.

C. R.

**A**T the first meeting of the Assembly, before it be brought in dispute who shall preside, you shall appoint him who was Moderator in the last Assembly, to preside in this till a new Moderator be chosen.

We allow that Lay-Elders shall be admitted Members of this Assembly; but in case of the Election of Commissioners for Presbyteries, the Lay-Elders have had Voice, you shall declare against the informality thereof; as also against Lay-Elders having Voice in Fundamental Points of Religion.

At the first opening of the Assembly, you shall strive to make the Assembly sensible of our Goodness, that notwithstanding all that is past, whereby We might have bin justly moved not to hearken to their Petitions, yet We have bin graciously pleased to grant a free General Assembly; and for great and weighty Considerations, have commanded the Arch-Bishops and Bishops not to appear at this Assembly.

You shall not make use of the Assessors in publick, except you find you shall be able to carry their having Vote in the Assembly.

You shall labour to your utmost, that there be no Question made about the last Assembly; and in case it come to the worst, whatever shall be done in Ratification, or with relation to the former Assembly, Our Will is that you declare the same to be done as an Act of this Assembly, and that you consent thereto only upon these terms, and no ways as having any relation to the former Assembly.

You shall by all means shun the Dispute about Our Power in Assemblies; and if it shall be urged, or offered to be disputed, whether We have the Negative Voice, or the sole Power of Indicting, and consequently of Dissolving, except you see clearly that you can carry the same in Our Favour, stop the Dispute; and rather than it be decided against Us, stop the course of the Assembly until We be advertised.

For the better facilitating of Our other Services, and the more

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peaceable and plausible Progress in all Businesses recommended to you, We allow you at any time you shall find most convenient, after the opening of the Assembly, to declare, That notwithstanding Our own Inclination, or any other Considerations, We are contented, for Our Peoples full satisfaction, to remit Episcopacy, and the Estate of Bishops to the freedom of the Assembly; but so, as no respect be had to the determination of the Point in the last Assembly.

But in giving way to the abolishing of Episcopacy, be careful that it be done without the appearing of any Warrant from the Bishops; and if any offer to appear for them, you are to enquire for their Warrant, and carry the Dispute so, as the conclusion seem not to be made in prejudice of Episcopacy as unlawful, but only in satisfaction to the People for settling the present Disorders, and such other Reasons of State: But herein you must be careful that Our Intentions appear not to any.

You shall labour, that Ministers deposed by the last Assembly, or Commissions flowing from them, for no other cause but the subscribing the Petition or Declaration against the last Assembly, be upon their submission to the determination of this Assembly, reponed in their own Places; and such other Ministers as are deposed for no other Faults, that they be tried or new; and if that cannot be, strive that Commissions may be directed from this Assembly for trying and censuring them, according to the nature of their Process.

That immediately upon the conclusion of this Assembly, you Indict another at some convenient time, as near the expiring of the Year as you can; and if you find that Aberdeen be not a Place agreeable, let Glasgow be the Place; and if that cannot give content, let it be elsewhere.

The General Assembly is not to me die with any thing that is Civil, or which formerly hath bin established by Act of Parliament, but upon his Majesty's special Command or Warrant.

We will not allow of any Commissioner from the Assembly, nor no such Act as may give ground for the continuing of the Tables, or Conventicles.

In case Episcopacy be abolished at this Assembly, you are to labour that We may have the Power of chusing of so many Ministers as may represent the fourteen Bishops in Parliament; or if that cannot be, that fourteen others whom We shall present be agreed to, with a power to chuse the Lords of the Articles for the Nobility for this time, until the Business be further considered upon.

We allow that Episcopacy be abolished, for the Reasons contained in the Articles, and the Covenant 1580, for satisfaction of our People be subscribed, provided it be so conceived, that thereby Our Subjects be not forced to abjure Episcopacy as a Point of Popery, or contrary to God's Law, or the Protestant Religion; but if they require it to be abjured, as contrary to the Constitution of the Church of Scotland, you are to give way to it rather than to make a breach.

After all Assembly-Business is ended, and immediately before Prayers, you shall, in the fairest way that you can, protest, That in respect of his Majesty's Resolution of not coming in Person, and that his Instructions to you were upon short advertisement, where-

upon



upon many things may have occurred, wherein you have not had his Majesty's Pleasure; and for such other Reasons as occasion may furnish, you are to profess, That in case any thing hath escaped you, or hath bin condescended upon in this present Assembly prejudicial to his Majesty's Service, that his Majesty may be heard for redress thereof in his own Time and Place.

At Berwick the 27th of July, 1639.

At this time the King writ this following Letter to the Arch-Bishop of St. Andrews.

Right trusty and well-beloved Counsellor, and Reverend Father in God, We greet you well.

**Y**our Letter, and the rest of the Bishops (sent by the Elect of Cathness) to my Lord of Canterbury, hath bin by him communicated to Us: And after serious consideration of the Contents thereof, we have thought fit our Self to return this Answer to you for Direction, according to Our Promise, which you are to communicate to the rest of your Brethren.

The King writes to the Arch-Bishop of St. Andrews.

We do in part approve of what you have advised, concerning the prorogating of the Assembly and Parliament, and must acknowledge it to be grounded upon Reason enough, were Reason only to be thought on in this Business: but considering the present state of Our Affairs, and what We have promised in the Articles of Pacification, We may not (as We conceive) without great prejudice to Our Self and Service condescend thereunto; wherefore We are resolved (rather necessitated) to hold the Assembly and Parliament at the Time and Place appointed; and for that end We have nominated the Earl of Traquair Our Commissioner: to whom we have given Instructions, not only how to carry himself at the same, but a Charge also to have a special care of your Lordships, and those of the Inferior Clergy, who have incurred in their Duty to God, and Obedience to Our Commands. And We do hereby assure you, That it shall be still one of Our chiefest Studies, how to Rectify and Establish the Government of that Church aright, and to repair your Losses, which We do see you to be most confident of.

As for your Meeting to treat of the Affairs of the Church, We do not see at this Time how that can be done; for within Our Kingdom of Scotland, We cannot promise you any place of Safety; and in any other of Our Kingdoms We cannot hold it convenient, all things considered; wherefore We conceive that the best way would be for your Lordships to give in, by way of Protestation or Remonstrance, your Exceptions against this Assembly and Parliament to Our Commissioner, which may be sent by any mean Man, so he be trusty, and deliver it at his entering into the Church; but We would not have it to be either Read or Argued in this Meeting, where nothing but partiality is to be expected, but to be represented to Us by him; which We promise to take so into Consideration, as becometh a Prince sensible of his own Interest and Honour, joined with the Equity of your Desires; and you may rest secure, that though perhaps

An. 1639.

~~~~~ We may give way for the present to that which will be prejudicial both to the Church and Our own Government, yet We shall not leave thinking in time how to remedy both.

We must likewise intimate unto you, That We are so far from conceiving it expedient for you, or any of my Lords of the Clergy to be present at this Meeting, as We do absolutely discharge your going thither; and for your absence, this shall be to you, and every of you, a sufficient Warrant: In the interim, your best course will be to remain in Our Kingdom of England, till such time as you receive Our further Order, where We shall provide for your Subsistence; though not in that measure as We could wish, yet in such a way as you shall not be in want.

Thus you have Our Pleasure briefly signified unto you, which We doubt not but you will take in good part: You cannot but know, that what We do in this, We are necessitated to; so We bid you farewell.

Whitehall, Aug. 6.

C. R.

1639.

Afterwards the Bishop of St. *Andrews*, and other Bishops, on the 11th of *August*, finished a *Declinator*, and signed the same with their own hands, and sent it to the Earl of *Traquair*.

### *The Bishops Declinator, August 10, 11.*

‘ **W** Hereas his Majesty, out of his surpassing Goodness, was pleased to Indict another National Assembly for rectifying the present Disorders in the Church, and repealing the Acts concluded in the late pretended Assembly at *Glasgow* against all Right and Reason, charging and commanding Us the Arch-Bishops and Bishops of the Church of *Scotland*, and others that have Place therein, to meet at *Edinburgh* the 12th of *August* Instant, in hopes that by a peaceable Treaty and Conference, Matters should have bin brought to a wished Peace and Unity: and that now we perceive all these Hopes disappointed, the Authors of the present Schism and Division proceeding in their wonted Courses of Wrong and Violence, as hath appeared in their presumptuous Protestation against the said Indiction; and in the business they have made throughout the Country, for electing Ministers and Laicks of their Faction to make up the said Assembly; whereby it is evident that the same or worse Effects must needs ensue upon the present Meeting, than were seen to follow the former. We therefore the Underscribers, for discharge of our Duties to God, and to the Church committed to our Government under our Sovereign Lord the King’s Majesty, Protest, as in our former Declinator, as well for our Selves, as in Name of the Church of *Scotland*, and so many as shall adhere to this our Protestation, That the present pretended Assembly be holden and reputed null in Law, as consisting and made up partly of Laical Persons that have no Office in the Church of God, partly of Refractory, Schismatical, and Perjured Ministers, that contrary to their Oaths and Subscriptions, from which no humane Power could absolve them, have filthily resiled, and so  
‘ made



'made themselves to the present and future Ages most infamous, and  
'that no Church-man be bound to appear before them, nor any Cita-  
'tion, Admonition, Certification, or Act whatsoever proceeding  
'from the said pretended Meeting, be prejudicial to the Jurisdiction,  
'Liberties, Privileges, Rents, Possessions, and Benefices belonging  
'to the Church, nor to any Acts of former General Assemblies, Acts  
'of Council or Parliament made in favour thereof; but to the contra-  
'ry, that all such Acts and Deeds, and every one of them, are and  
'shall be reputed Unjust, Partial, and Illegal, with all that may fol-  
'low thereupon.

'And this our Protestation we humbly desire may be presented to  
'his Majesty, whom we do humbly supplicate, according to the Pra-  
'ctice of Christian Emperors in Ancient Time, to Convene the Clergy  
'of his whole Dominions, for remedying of the present Schism and  
'Division, unto whose Judgment and Determination we promise to  
'submit our Selves and all our Proceedings.

Given under our Hands, at *Morpeth, Berwick, and Holy-Island*, the  
10th and 11th of *August* 1639.

Signed,

*St. Andrews.*  
*Da. Edinburgh.*  
*Jo. Rossen.*  
*Tho. Galloway.*

*Wal. Brechinen.*  
*Ja. Lismoren.*  
*Ad. Aberdeen.*

About the middle of *August* the Assembly meeting at *Edinburgh*,  
the Earl of *Traquair* came thither as Lord High-Commissioner, and  
found the Pulse of the Assembly to beat against the *Service-Book* and  
Book of *Canons*, taxing them with Popery, and the *High-Commission*  
with Tyranny, and that *Episcopacy* must be abolished; of all which  
the Earl of *Traquair* gave the King an Account. Whereupon his Ma-  
jesty writ unto him to the effect following.

CHARLES R.

Right Trusty,

**W**E have hitherto commanded Hamilton to answer several of  
your Letters, but that of the 16th of August being of  
more weight than any of your former, We have thought  
fit to answer it Our Self.

And whereas you say, That nothing will satisfy them, except in  
terminis, the last Assembly be Named and Ratified, or that way be  
given to the discharging of *Episcopacy* as abjured in that Church, as  
contrary to the Confession of Faith 1580, and the Constitutions of  
the same, you being yet in some hope that the word Abjured may be  
got changed; and that in drawing up the words of the Act, it be on-  
ly condemned as contrary to the Constitution of the Church: We in  
this point leave you to your Instructions, they being full, if you con-  
sider what We have said concerning *Episcopacy*, and subscribing the  
Confession of Faith 1580, We thinking it fit to declare hereupon  
unto you, That let their madness be what it will, further than We  
have

The King  
writes to *Tra-*  
*quair*, & gives  
him positive  
Instructions  
how further to  
proceed.

An. 1629.

have declared in Our Instructions, in these Points We will not go.

For the Service-Book, and Book of Canons, though We have bin and are content they be discharged, yet We will never give Our Choice nor assent that they be condemned, as containing divers Branches of Popery and Superstition: in like manner, though We have bin, and are content that the High-Commission be discharged, yet We will never acknowledge that it is without Law, or destructive to the Civil and Ecclesiastical Supremacies of that Our Kingdom: Nor that the Five Articles of Perth, though discharged with Our Approbation, be condemned, as contrary to the foresaid Confession. As concerning the late Assemblies, We cannot give Our Consent to have them declared Null, since they were so notoriously Our Father (of happy Memory) his Acts: it seeming strange, that We having condemned to the taking away of these things that they complained of, which were done in those Assemblies, they will not be content therewith, without laying an Aspersion on Our Father's Actions. Wherefore if the Assembly will, in spite of you and us, conclude contrary to this, you are to protest against their Proceedings in these Points, and be sure not to ratify them in Parliament.

Concerning the yearly Indiction of General Assemblies, and the Confession of Faith, We commanded Hamilton, in his of the 16th, to Answer that Point to this effect, That We think it infinitely to our prejudice that We should consent to tie Our Self for the keeping yearly of their Assemblies, in agreeing to repeat the Reasons, they being well enough known to you: being at Berwick it was conceived upon behalf of that Point, That your having Power to Indict a new one with the Year, would save that Dispute, which you are by all means to avoid. But if this will not give satisfaction, you are by no means to give your Assent to any such Act, nor to ratify the same in Parliament.

The Article in your Instructions, which is only that the Covenant 1527 shall be subscribed, you must have an especial care of, and how you proceed therein; That the Words be the same which was in Our Father's Time, mutatis mutandis; and that you give your assent no other way, to the interpretations thereof, than may stand with Our future Intentions well known to you; nor is the same otherwise to be ratified in Parliament.

Thus you have Our Pleasure fully signified in every particular of your Letter; which you will find no ways contrary to Our Resolution taken at Berwick, and Our Instructions given to you there. But if the madness of Our Subjects be such, that they will not rest satisfied with what We have given you Power and Authority to consent to, which notwithstanding all their Insolencies We shall allow you to make good to them, We take God to witness, That what misery soever shall fall to the Country hereafter, it is no fault of Ours, but their own procurement. And in respect We do Command you, That if you cannot conclude this Business according to Our Instructions, and what We have now written, that you prorogue the Parliament till the next Spring; and that you think upon some course how you may make publicly known to all Our Subjects, what We had given you Power to consent to. And because it is not impossible that this way may produce a present Rupture,



Capture, you are to warn and assist Ruthwen for the Defence of the Castle of Edinburgh; and to take in general the like care of all our Houses and Forts in that Kingdom; and likewise to advertise all such who are affected to our Service, that timely they may secure themselves; and so We bid you heartily farewell.

15 Caroli.

The greatest Point gained in the Assembly, was an Explication of a Bond of Defence, which was conceived in these words.

WE do Swear, not only our mutual Concurrence and Assistance for the Cause of Religion; and to the utmost of our Power, with our Means and Lives, to stand to the Defence of our Dread Sovereign and his Authority, in the Preservation and Defence of the said True Religion, Liberties, and Laws of this Kirk and Kingdom; but also in every Cause which may concern his Majesty's Honour, We shall (according to the Laws of this Kingdom, and Duty of good Subjects) concur with our Friends and Followers in quiet Manner, or in Arms, as we shall be required of his Majesty's Council, or any having his Authority.

The Explication of the Bond of Defence.

And as to *Episcopacy*, it was worded, it was *unlawful* in the Church of Scotland: whereupon the *Covenanters* presented to the Commissioner and Council their *Covenant*, with a desire that it might be signed. And it was accordingly done, but his Majesty was no ways satisfied with this, as hereafter appears.

The said Parliament at *Edinburgh*, the day appointed for their Meeting, consented for that time that *Traquair* as Commissioner, should name those Lords of the Articles that were for the Nobility, who should have bin named by the Bishops, but protested it should be no President for the future; and they went on roundly to take away the Lords of the Articles totally.

But *Traquair* finding he could not keep close to his Instructions, to the Letter of which he resolved to adhere, did Prorogue the Parliament to the 14th of November.

October 30.  
The Parliament Prorogued to November 14.

The *Covenanters* protest against the legality of any Prorogation without consent of Parliament. Which Protestation followeth in these words.

*The Scots Protestation against the Prorogation of the Parliament, August 1639.*

‘VV Hereas *John* Earl of *Traquair*, his Majesty's Commissioner, having closed the Assembly, and sitting in Parliament with them, did now take upon him, without their Consent, or Offence given, to Prorogue the Parliament upon a private Warrant; this being a new and unusual way, without President in this Kingdom heretofore, once being convened, have continuation by the express consent of the Estates. We therefore declare, That any Prorogation made by the Commissioner's Grace, without consent of Parliament, shall be of no Force, and the Actors to be censured in Parliament.

An. 1639.

Parliament. And knowing that Declarations have bin published against Us, and our Proceedings made odious to such as do not consider that we are not Private Subjects, but a Sitting Parliament : We therefore declare, That whatsoever we might do lawfully in sitting still, yet we have resolved for the present to make Remonstrance to his Majesty, and some of each Estate to remain still at *Edinburgh* to attend his Gracious Answer. And if it shall happen that our malicious Enemies do notwithstanding prevail against us, We profess our selves free of the Outrages and Insolencies that may be committed ; in the mean time we do our best to prevent Confusion and Misery.

And the Committee appointed to expect the King's Answer, were, the Earls of *Lothian* and *Dalhousie* ; the Lords, *Yester*, *Balmerino*, *Cranston*, and *Napier* ; for the Barons, the Commissioners of the *Lothians*, *Fife*, and *Tweedale* ; the Burroughs named the Commissioners of *Edinburgh*, *Lithgow*, *Sterling*, *Haddington*, and *Dunbar*, to attend at *Edinburgh* the return of his Majesty's Answer.

The Scots Deputies come to the King at *Whitehall*.

Their Deputies came to the King at *Whitehall*, the Earl of *Dunfermling*, and the Lord *London* ; but coming without Warrant from the King's Commissioner *Traquair*, they were in disdain commanded home again without Audience.

The King commands *Traquair* to Prorogue the Parliament to the second of *June* 1640 ; and commands him to come up to give to the Council an account of the most considerable Matters proposed in that Parliament. The end of whose Design was (as the Covenanters gave out) to foment a War, and to engage the King in Person. But he had a cold reception, the King being highly displeased with his Subscription of the *Covenant*. But he complained he could have no Assistance from them if he had not done it ; and that it was impossible to prevail with those People, except by Force, or a total Compliance.

And he to recover himself, was the more earnest to press the King to a New Invasion.

*Traquair* helps the King to the Letter directed to the *French* King.

He also furnished the King with a great many Grounds for justifying his Proceedings against the *Covenanters* ; a chief one being a Letter he had got which the *Covenanters* had written to the *French* King, desiring his Protection and Assistance ; which was High Treason by the Law of *Scotland*, as being a Treaty with a Foreign Prince, without the King's Permission. And upon these Grounds it was that the Earl of *Traquair* was afterwards pursued as the Grand Incendiary.

Afterwards the *Covenanters* sent up their Petition to his Majesty by one *Cunningham*, desiring a permission to send some of their Number for their own vindication. Which his Majesty granting, the Earl of *London* and *Dunfermling* were again sent up.

Some



Some of the Principal Acts of the General Assembly, which sat at Edinburgh in the Month of August, 1639.

Sess. 8. Aug. 17. 1639.

Mr. George Grahame his Renouncing and Abjuring of Episcopacy.

The which day there was given in to the Assembly, direct from Mr. George Graham, sometimes pretended Bishop of Orkney, an Abjuration of Episcopacy, subscribed with his Hand; which was publicly read, and entred in the Assembly-Books, *ad perpetuam rei memoriam*, whereof the Tenour follows.

TO all and sundry whom it effeirs, to whose knowledg these Presents shall come, especially to the Reverend and Honourable Members of the future Assembly, to be holden at *Edinburgh* the 12th day of Aug. 1639. Me Mr. George Graham, some time pretended Bishop of Orkney, being sorry and grieved at my Heart, that I should ever, for any worldly respect, have embraced the Order of Episcopacy, the same having no Warrant from the Word of God, and being such an Order, as hath had sensibly many fearful and evil Consequences in many parts of Christendom, and particularly within the Kirk of Scotland, as by doleful and deplorable Experience this day is manifest, to have disclaimed, like as I by the Tenour hereof do altogether disclaim and abjure all Episcopal Power and Jurisdiction, with the whole Corruptions thereof, condemned by lawful Assemblies in the said Kirk of Scotland; in regard the same is such an Order as is also abjured within the said Kirk, by virtue of that National Oath which was made in the Years 1580, and 1581, promising and swearing, by the great Name of the Lord our God, That I shall never whilst I live, directly or indirectly, exercise any such Power within the Kirk; neither yet shall I ever approve or allow the same, not so much as in my private or publick Discourses; but on the contrary, shall stand and adhere to all the Acts and Constitutions of the late Assembly holden at *Glasgow*, Novemb. 21. 1638, and shall concur to the uttermost of my power, sincerely and faithfully, as occasion shall offer, in executing the said Acts, and in advancing the Work of Reformation within this Land, to the Glory of God, the Peace of the Country, and the Comfort and Contentment of all good Christians, as God shall be my help. In testimony of the which Premises, I have subscribed these Presents with my Hand at *Breekness* in *Stronnes*, the 11th day of February, in the Year of God 1639, before these Witnesses, Mr. Walter Stuart Minister at *Southbronnaldsay*, Mr. James Heynd Minister at *Kirkwall*, Mr. Robert Pierse Minister at *Frith*, and Mr. Patrick Graham Minister at *Holm*, my Son.

H h h h h

Sess.

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Sess. 8. Aug. 17. 1639.

*Act containing the Causes and Remedy of the by-gone Evils of this Kirk.*

‘ **T**He King’s Majesty having graciously declared, That it is his Royal Will and Pleasure, that all Questions about Religion, and Matters Ecclesiastical, be determined by Assemblies of the Kirk ; having also by publick Proclamation indicted this Free National Assembly, for settling the Distraction of this Kirk, and for establishing a perfect Peace, against such Divisions and Disorders as have bin fore displeasing to his Majesty, and grievous to all his good Subjects.

‘ And now his Majesty’s Commissioner, *John Earl of Traquair*, intrusted and authorized with a full Commission, being present, and sitting in this Assembly, now fully Convened, and orderly Constituted in all the Members thereof, according to the Order of this Kirk, having at large declared his Majesty’s Zeal to the Reformed Religion, and his Royal Care and Tender Affection to this Kirk, where his Majesty had both his Birth and Baptism, his great displeasure at the manifold Distractions and Divisions of this Kirk and Kingdom, and his desires to have all our Wounds perfectly cured, with a fair and fatherly Hand. And although in the way approved by this Kirk, trial hath bin taken in former Assemblies before, from the Kirk-Registers, to our full satisfaction ; Yet the Commissioner’s Grace making particular enquiry from the Members of the Assembly, now solemnly convened, concerning the real and true Causes of so many and great Evils as this time past had so sore troubled the Peace of this Kirk and Kingdom, it was represented to his Majesty’s Commissioner by this Assembly, that besides many other, the main and most material Causes were ;

‘ First, The pressing of this Kirk by the Prelates with a *Service-Book*, or Book of *Common-Prayer*, without Warrant or Direction from the Kirk ; and containing, besides the Popish Frame thereof, divers Popish Errors and Ceremonies, and the Seeds of manifold gross Superstitions and Idolatry, with a Book of *Canons*, without Warrant or Direction from the General Assembly, establishing a tyrannical Power over the Kirk in the Persons of Bishops, and overthrowing the whole Discipline and Government of the Kirk by Assemblies ; with a Book of *Consecration* and *Ordination*, without Warrant or Authority Civil or Ecclesiastical, appointing Offices in the House of God, which are not warranted by the Word of God, and repugnant to the Discipline and Acts of the Kirk ; and with the *High-Commission*, erected without consent of the Kirk, and subverting the Jurisdiction and ordinary Judicatories of this Kirk ; and giving to Persons meerly Ecclesiastical, the power of both Swords ; and to Persons meerly Civil, the power of the Keys and Kirk Censures.

‘ A second Cause was the *Articles of Perth*, viz. The Observation of Festival Days, Kneeling at the Communion, Confirmation, Administration of the *Sacraments* in private Places, which are brought in by a null Assembly, and are contrary to the *Confessions of Faith*, as it

‘ was



‘ was meant and subscribed *Anno* 1580, and divers times since, and to the Order and Constitutions of this Kirk.

‘ Thirdly, The changing of the Government of the Kirk from the Assemblies of the Kirk, to the Persons of some Kirk-men, usurping Priority and Power over their Brethren, by the way and under the name of Episcopal Government, against the Confession of Faith in 1580, against the Order set down in the Book of Policy, and against the Intention and Constitution of this Kirk from the beginning.

‘ Fourthly, The Civil Places and Power of Kirkmen, their sitting in Session, Council, and Exchequer; their riding, sitting, and voting in Parliament; and their sitting in the Bench as Justices of Peace: Which according to the Constitutions of this Kirk are incompatible with their Spiritual Sanction, lifting them up above their Brethren in worldly Pomp, and do tend to the hindrance of the Ministry.

‘ Fifthly, The keeping and authorizing corrupt Assemblies at *Linlithgow* 1606, and 1608; at *Glasgow*, 1610; at *Aberdeen*, 1616; at *St. Andrews*, 1617; at *Perth*, 1618. Which are all null and unlawful, as being called and constitute quite contrary to the Order and Constitutions of this Kirk, received and practised ever since the Reformation of Religion; and withal labouring to introduce Novations into this Kirk, against the Order and Religion established.

‘ A sixth Cause is the want of lawful and free General Assemblies, rightly constitute of Pastors, Doctors, and Elders, yearly or oftner, *pro re nata*, according to the Liberty of this Kirk, expressed in the Book of Policy, and acknowledged in the Act of Parliament, 1592. After which the whole Assembly in one heart and voice did declare, that these and such other, proceeding from the neglect and breach of the National Covenant of this Kirk and Kingdom made in 1580, have been indeed the true and main Causes of all our Evils and Distractions: And therefore ordain, according to the Constitutions of the General Assemblies of this Kirk, and upon the grounds respectively above specified, That the aforesaid Service-Book, Books of Canons, and Ordination, and the High Commission, be still rejected: that the Articles of *Perth* be no more practised; that Episcopal Government, and the Civil Places and Power of Kirk-men, be holden still as unlawful in this Kirk: That the above-named pretended Assemblies, at *Linlithgow* 1606 and 1608; at *Glasgow* 1610; at *Aberdeen* 1616; at *St. Andrews* 1617; at *Perth* 1618; be hereafter accounted as null, and of none effect. And that for preservation of Religion, and preventing all such Evils in time coming, General Assemblies rightly constitute, as the proper and competent Judge of all Matters Ecclesiastical, hereafter be kept yearly, and oftner, *pro re nata*, as occasion and necessity shall require; the necessity of these occasional Assemblies being first remonstrated to his Majesty by humble Supplication: As also, that Kirk-Sessions, Presbyteries, and Synodical Assemblies, be constitute and observed according to the Order of this Kirk.

After the voicing of the Act (anent the Causes of our by-gone Evils, his Majesties Commissioner consented verbally to the said Act, and promised to give in to the Clerk in Writ, the Declaration of his Consent, and that he should ratifie this Act in the ensuing Parliament.

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Act Sess. 21. Aug. 29. 1639.

*An Act anent the keeping of the Lord's Day.*

**T**He General Assembly recommendeth to the several Presbyteries, the execution of the old Acts of Assembly against the breach of the Sabbath-day, by going of Milns, Salt-Panns, Salmond-fishing, or any such like labour : And to this end revives and renews the Act of the Assembly holden at *Halyrood-House*, 1602. Sess. 5. whereof the tenor follows.

'The Assembly considering that the Conventions of the People, especially on the Sabbath-day, are very rare in many places, by distraction of Labour, not only in Harvest and Seed-time, but also every Sabbath, by fishing both of white Fish, and Salmon-fishing, and in going of Milns : Therefore the Assembly dischargeth and inhibiteth all such labour of Fishing, as well white Fish as Salmon-fish, and going of Milns of all sorts upon the Sabbath, under the pain of incurring the Censures of the Kirk : And ordains the Commissioners of this Assembly to meen the same to his Majesty, and to desire that a pecunial Pain might be enjoined upon the Contraveners of this present Act.

Sess. 23. Aug. 30. 1639.

*The Supplication of the General Assembly to the King's Majesties Commissioner, concerning the Book called, The large Declaration.*

**W**VE the Members of this present Assembly, for our selves, and in the name of the several Presbyteries, Burghs, and Universities, for which we are Commissioners, resenting the great dishonour done to God, our King, this Kirk, and the whole Kingdom, by the Book called, *A large Declaration*, have here represented the same to your Grace, and have collected some amongst many of false, gross, and absurd Passages, that from the consideration thereof your Grace perceiving the intolerable Evils foresaid contained therein, may be pleased to represent the same to our gracious Sovereign, and in our behalfs humbly to beseech his Majesty, so much wronged by the many foul and false relations suggested and perswaded to him as Truths, and by stealing the protection of his Royal Name and Authority to the patrociny of such a Book, to be pleased first to call in the said Book, and thereby to shew his dislike thereof ; next to give Commission and Warrant to cite all such Parties, as are either known or suspect to have hand in it ; and to appoint such as his Majesty knows to be either Authors, Informers, or any ways accessary, being Natives of this Kingdom, to be sent hither, to abide their Trial and Censure before the Judg Ordinary ; and in special, Master *Walter Balcanquel*, now Dean of *Durham*, who is known, and hath professed to be the Author, at least a Vower and Maintainer of a great part thereof ; that by their exemplar punishment, others may be deterred from such dangerous Courses, as in such a way to raise Sedition betwixt the King and his Subjects, God's Honour may be

vindi-



‘ vindicate from so high Contempt ; his Majesty’s Justice may appear,  
 ‘ not only in cutting away such Malefactors, but in discouraging all  
 ‘ such Underminers of his Throne ; his loyal and loving Subjects shall  
 ‘ be infinitely contented to be cleared before the World of so false and  
 ‘ unjust Imputations, and will live hereafter in greater security, when  
 ‘ so dangerous a Course of Sedition is prevented, and so will have the  
 ‘ greater and greater cause to pray for his Majesty’s long and prospe-  
 ‘ rous Reign.

His Majesty’s Commissioner in Council having received the said  
 Supplication, promised to impart the same to his Majesty, and to re-  
 port his diligence therein.

*The Supplication of the Assembly to his Majesty’s High Com-  
 missioner, and the Lords of secret Council.*

‘ **WE** the General Assembly, considering with all humble and  
 ‘ thankful acknowledgment, the many resent Favours bestowed  
 ‘ upon us by his Majesty ; and that there resteth nothing for crown-  
 ‘ ing his Majesty’s incomparable Goodness towards us, but that all the  
 ‘ Members of this Kirk and Kingdom be joined in one and the same  
 ‘ Confession and Covenant with God, with the King’s Majesty, and  
 ‘ amongst our selves. And conceiving the main Let and Impediment  
 ‘ to this so good a Work, and so much wished by all, to have bin the  
 ‘ Informations made to his Majesty, of our Intentions to shake off  
 ‘ civil and dutiful Obedience due to Sovereignty, and to diminish the  
 ‘ King’s Greatness and Authority : And being most willing and desi-  
 ‘ rous to remove this, and all such Impediments which may hinder and  
 ‘ impede so full and perfect an Union, and for the clearing of our  
 ‘ Loyalty, We in our own Names, and in the Names of all the rest  
 ‘ of the Subjects and Congregations whom we represent, do now in  
 ‘ all humility represent to your Grace, his Majesty’s Commissioner,  
 ‘ and the Lords of his Majesty’s most Honourable Privy-Council, and  
 ‘ declares before God and the World, that We never had nor have  
 ‘ any thought of withdrawing our Selves from that humble and duti-  
 ‘ ful Obedience to his Majesty, and to his Government ; which by  
 ‘ the descent, and under the Reign of 107 Kings, is most chearfully  
 ‘ acknowledged by Us and our Predecessors ; and that we never had,  
 ‘ nor have any intention or desire to attempt any thing that may tend  
 ‘ to the dishonour of God, or the diminution of the King’s Greatness  
 ‘ and Authority : But on the contrary, acknowledging our quiet-  
 ‘ ness, Stability, and Happiness, to depend upon the safety of the  
 ‘ King’s Majesty’s Person, and maintenance of his Greatness and Royal  
 ‘ Authority, who is God’s Vicegerent set over us, for the mainte-  
 ‘ nance of Religion, and ministration of Justice, we have solemnly  
 ‘ sworn, and do swear, not only our mutual Concurrence and Assistance  
 ‘ for the Cause of Religion, and to the uttermost of our power, with  
 ‘ our Means and Lives, to stand to the defence of our Dread Sove-  
 ‘ reign, his Person and Authority, in preservation and defence of  
 ‘ the true Religion, Liberties, and Laws of this Kirk and Kingdom ;  
 ‘ but also in every Cause which may concern his Majesty’s Honour,  
 ‘ shall accordingly to the Laws of this Kingdom, and the Duties of  
 ‘ good

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good Subjects, concur with our Friends and Followers, in quiet manner, or in Arms, as we shall be required of His Majesty, his Council, or any having his Authority. And therefore being most desirous to clear our selves of all Imputation of this kind, and following the laudable Example of our Predecessors, 1589, do most humbly supplicate your Grace, his Majesty's Commissioner, and the Lords of his Majesty's most Honourable Privy-Council, to enjoin by Act of Council, that the Confession and Covenant, which, as a Testimony of our Fidelity to God, and Loyalty to our King, we have subscribed, be subscribed by all his Majesty's Subjects, of what rank and quality soever.

*The King's Majesty's Commissioner's Declarations.*

THE which day his Majesty's Commissioner, and Lords of Council, after the receiving of the Supplication of the General Assembly, anent the *subscribing of the Covenant*, having returned to the Assembly, his Majesty's Commissioner, in Name of the Council, declared, That he had received the Supplication of the Assembly, desiring that the *Covenant* might receive the force of an Act of Council, to be subscribed by all his Majesty's Subjects, that they had found the Desire so fair and reasonable, that they conceived themselves bound in duty to grant the same, and thereupon have made an Act of Council to that effect; and that there rested now the Act of Assembly. And that he himself was so fully satisfied, that he came now as his Majesty's Commissioner, to consent fully unto it; and that he was most willing that it should be enacted here in this Assembly, to oblige all his Majesty's Subjects to subscribe the said *Covenant*, with the Assemblies Explanation. And because there was a third Thing desired, his Subscription as the King's Commissioner, unto the *Covenant*, which he behoved to do, with a Declaration in writ; and he declared as a Subject, he should subscribe the *Covenant* as strictly as any, with the Assemblies Declaration: But as his Majesty's Commissioner, in his Name behoved to prefix to his Subscription, the Declaration following, which no Scots Subjects should subscribe, or have the benefit of, no not himself as Earl of *Traquair*; the Tenour whereof follows.

SEeing this Assembly, according to the laudable Form and Custom heretofore kept in the like Cases, have in an humble and dutiful way, supplicate to us his Majesty's Commissioner, and the Lords of his Majesty's most Honourable Privy-Council, That the *Covenant*, with the Explanation of this Assembly, might be subscribed. And to that effect, that all the Subjects of this Kingdom, by Act of Council, be required to do the same; and that therein, for vindicating themselves from all suspicions of Disloyalty, or derogating from the Greatness and Authority of our Dread Sovereign, have therewith added a Clause, whereby this *Covenant* is declared one in substance with that which was subscribed by his Majesty's Father (of blessed Memory) 1520, 1581, 1590, and often since renewed. Therefore as his Majesty's Commissioner, for the full satisfaction of the Subjects, and for setting a perfect Peace in Church and Kingdom, do, according to my foresaid Declaration and Subscrip-

tion,



tion, subjoined to the Act of this Assembly, of the date the 17th of this Instant, allow and consent that the Covenant be subscribed throughout all this Kingdom. In Witness whereof I have subscribed the Premises.

*Like as his Majesty's Commissioner read and gave in the Declaration following, of his consent to the Act of the Assembly, August 17, anent the Causes of our By-gone Evils.*

I John Earl of Traquair, his Majesty's Commissioner in this present Assembly, do in his Majesty's Name declare, That notwithstanding of his Majesty's own Inclination, and many other grave and weighty Considerations, yet such is his Majesty's incomparable Goodness, that for settling the present Distractions, and giving full satisfaction to the Subject, He doth allow, like as I his Majesty's Commissioner do consent to the foresaid Act, and have subscribed the Premises.

*Like as his Majesty's Commissioner read and gave in the Declaration following.*

IT is always hereby declared, by me his Majesty's Commissioner, That the Practice of the Premises, prohibited within this Kirk and Kingdom of Scotland, shall never bind nor infer Censure against the Practices outwith the Kingdom. Which when the Commissioner desired to be Insert in the Register of the Kirk, and the Moderator, in the Name of the Assembly, refused to give Warrant for such practice, as not agreeable with a good Conscience. His Grace urged, that it should be recorded at least that he made such a Declaration, whatsoever was the Assemblies Judgment in the contrary; and so it is to be understood to be insert here only recitative.

*Act ordaining the Subscription of the Confession of Faith and Covenant, with the Assemblies Declaration.*

THE General Assembly considering the great Happiness which may flow from a full and perfect Union of this Kirk and Kingdom, by joyning of all in one and the same Covenant with God, with the King's Majesty, and amongst our Selves, having by our great Oath declared the Uprightness and Loyalty of our Intentions in all our Proceedings; and having withal supplicated his Majesty's High Commissioner, and the Lords of his Majesty's Honourable Privy-Council, to enjoin by Act of Council, all the Lieges in time coming to subscribe the *Confession of Faith and Covenant*, which is a Testimony of our Fidelity to God, and our Loyalty to our King, We have subscribed. And seeing his Majesty's High Commissioner, and the Lords of his Majesty's Honourable Privy-Council, have granted the desire of our Supplication, ordaining by Civil Authority, all his Majesty's Leiges in time coming, to subscribe the afore said Covenant, that

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‘ that our Union may be the more full and perfect, We by our Act  
 ‘ and Constitution Ecclesiastical do approve the foresaid *Covenant*, in  
 ‘ all the Heads and Clauses thereof, and Ordains of new under all  
 ‘ Ecclesiastical Censure, That all the Masters of Universities, Colleges,  
 ‘ and Schools ; all Scholars at the passing of their Degrees ; all Per-  
 ‘ sons suspect of Papistry, or any other Error ; and finally, all the  
 ‘ Members of this Kirk and Kingdom subscribe the same, with these  
 ‘ words prefixed to their Subscription. The Article of this *Covenant*,  
 ‘ which was at the first Subscription referred, the Determination of  
 ‘ the General Assembly being determined, and that thereby the *Five*  
 ‘ *Articles of Perth* ; the Government of the Kirk by Bishops ; the  
 ‘ Civil Places and Power of the Kirk upon the Reasons and Grounds  
 ‘ contained in the Act of the General Assembly, declared to be un-  
 ‘ lawful within this Kirk, We subscribe, according to the Determina-  
 ‘ tion aforesaid ; and ordains the *Covenant*, with the Declaration, to  
 ‘ be insert in the Registers of the Assembly of this Kirk, General,  
 ‘ Provincial, and Presbyterial, *ad perpetuam rei memoriam* ; and in all  
 ‘ humility humbly supplicates his Majesty’s High Commissioner, and  
 ‘ the Honourable Estates of Parliament, by their Authority to ratify  
 ‘ and enjoin the same under all Civil Pains, which will tend to the  
 ‘ Glory of God, Preservation of Religion, the King’s Majesty’s Ho-  
 ‘ nour, and perfect Peace of this Kirk and Kingdom.

Sess. 24. 30 Aug. a meridie.

*The Assemblies Supplication of the King’s Majesty.*

*Most Gracious Sovereign,*

‘ **W**E your Majesty’s most Humble and Loyal Subjects, the Com-  
 ‘ missioners from all the parts of this your Majesty’s Ancient  
 ‘ and Native Kingdom, and Members of the National Assembly, con-  
 ‘ vened at *Edinburgh* by your Majesty’s special Indiction, and honoured  
 ‘ with the presence of your Majesty’s High Commissioner, have bin  
 ‘ waiting for a day of Rejoycing, and of solemn Thanksgiving to be  
 ‘ rendred to God by this whole Kirk and Kingdom, for giving us a  
 ‘ King so Just and Religious, that it is not only lawful for us to be  
 ‘ Christians under your Majesty’s Government, which sometime hath  
 ‘ bin the greatest praise of great Princes, but also that it hath pleased  
 ‘ your Gracious Majesty to make known, That it is your Royal Will  
 ‘ and Pleasure, that all Matters Ecclesiastical be determined in free Na-  
 ‘ tional Assemblies, and Matters Civil in Parliament ; which is a most  
 ‘ noble and ample expression of your Majesty’s Justice ; and we trust  
 ‘ shall be a powerful means of our common Happiness under your  
 ‘ Majesty’s most blessed Reign. In the mean while We do most hum-  
 ‘ bly from our Hearts, bleis your Majesty for that Happiness already  
 ‘ begun in the late Assembly at *Edinburgh* ; in the Proceedings where-  
 ‘ of, next under God, We have laboured to approve our selves unto  
 ‘ your Majesty’s Viccgerent, as if your Majesty’s Eyes had bin upon  
 ‘ us ; which was the desire of our Souls, and would have bin the  
 ‘ Matter of our full rejoicing ; and do still continue your Majesty’s  
 ‘ most humble Suppliants for your Majesty’s Civil Sanction and  
 ‘ Ratification



‘ Ratification of the Constitutions of the Assembly in Parliament ;  
 ‘ that your Majesty’s Princely Power, and the Ecclesiastical Authority  
 ‘ joining in one, the mutual Imbracements of Religion and Justice,  
 ‘ of Truth and Peace, may be seen in this Land, which shall be to us  
 ‘ as a Resurrection from the Dead ; and shall make us, being not on-  
 ‘ ly so far recovered, but also revived, to fill Heaven and Earth with  
 ‘ our Praises, and to pray that King *Charles* may be more and more  
 ‘ blessed, and his Throne established before the Lord for ever.

15 Caroli.

The Assembly appoints the next General Assembly to sit at *Aberdeen* the last *Tuesday* of *July* next, 1640 ; and warneth all *Presbyteries*, *Universities* and *Burroughs*, to send their Commissioners for keeping of the same. And thereafter the Assembly was concluded, by giving of Thanks by the Moderator, and singing of a Psalm, according to the Custom.

Having given this brief Account of the Scottish Affairs, in reference to the Assembly at *Edinburgh*, let us return to the Transactions of Affairs in *England*, where we broke off, and there we find a Proclamation published by the King, declaring an Act of State, and the King’s Command concerning a scandalous Paper lately dispersed by the Scots among many of his Subjects, to the effect following.

**W**hereas a Paper containing many Falshoods, and tending much to the Dishonour of his Majesty’s late Proceedings in the Pacification given to his Subjects of Scotland, hath been dispersed in divers Parts of this Kingdom ; whereupon an Act of Council hath bin made in these words ensuing :

August 11.  
 An Act of State against the Scots concerning a scandalous Paper lately dispersed by them.

**O**n Sunday the fourth of August, 1639. His Majesty being in Council, was pleased to acquaint the Lords with a Paper he had seen at *Berwick*, entitled, Some Conditions of his Majesty’s Treaty with his Subjects of Scotland are set down here for remembrance. Which Paper being in most parts full of Falshood, Dishonour and Scandal to his Majesty’s Proceedings in the late Pacification, given of his Princely Grace and Goodness to his Subjects of Scotland, hath bin very frequently spread here in *England*, and avowed by some in Scotland to have bin approved and allowed as Truth by some of those Lords of *England*, who attended his Majesty, and were present at the Pacification in the Camp. Whereupon the Paper having bin read, and his Majesty commanding those English Lords to declare their knowledg therein. The Earl Marshal first begun to put his Majesty in remembrance, that some few days after the Pacification was concluded, some of the Scottish Lords coming to the Lord Chamberlain’s Tent, sent to speak with him, and the Earl of *Holland*, and offered them a certain Paper, which they pretended to have bin collected for the help of their *Monies*, and not otherwise, nor to be published : But the said English Lords very dutifully and discreetly refused to accept that or any such Paper, but referred themselves totally to the Pacification in Writing. And the said Earl

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Marshal further declared, That now upon the reading, he for his part held the said Paper for the most part false and scandalous, and no way agreeable to what his Majesty expressed at the Pacification.

Next the Lord Chamberlain declared, That he being ready to take Horse, and a number of his Friends about him taking their leave, the Lord Loudon pressed him with much importunity to receive a Paper, which he took, not knowing what it contained; but at night when he came to his Lodging, doubting it might be some such Paper as had been formerly offered, and was refused, took it, without reading it, and sealed it up, and so kept it till he presented it to his Majesty at Whitehall, professing that till that time he had never read any one word of it, nor seen any other Copy thereof. Which Paper being that which had been divulged, was the same which his Majesty had commanded to be read at the Board.

The Earl of Salisbury likewise desired to justify himself of a particular Scandal laid upon him, that he had received and brought Copies of this Paper from the North; which he declared could not be, because he was come away from the Camp before that Paper had bin offered, and that he had never seen that, nor any Copy thereof, before his Majesty's return to Theobalds.

After this the Lord Chamberlain, the Earls of Salisbury, Holland, and Barkshire, concurred with the Earl Marshal, That the Contents of that Paper were for the most part notoriously scandalous and false, and contrary to what his Majesty clearly expressed at the Pacification.

His Majesty likewise declared, that before his coming from Berwick he shewed a Copy of this scandalous Paper to the Earl of Lindsey, the Earl of Holland, Master Treasurer, and Master Secretary Cook, who fully concurred in the aforesaid Opinion with the other Lords. All which Lords, and particularly the Earl of Holland, avowed the falseness thereof to the faces of those Scottish Lords who were believed to be the Divulgers of it, (the Lords of the Council of Scotland being there likewise present).

All which considered, the whole Board unanimously became humble Petitioners to his Majesty, That this false and scandalous Paper might be publicly burnt by the Hang-man.

His Majesty declares his Pleasure to continue his Commission and Letters-Patents for Licensing Retailers of Tobacco, notwithstanding his Proclamation.

Concerning  
Retailers of  
Tobacco.

**W**hereas by his Majesties Proclamation, dated at York the 9th of April last, it was declared, that among sundry other Commissions granted upon untrue Surmises, a Commission for compounding with Offenders touching Tobacco was thereby revoked and determined. Under colour whereof sundry Persons have pretended that his Majesties Commission to the Lord Goring and others, for licensing Retailers of Tobacco, was thereby called in; and thereupon the like Commissioners have bin interrupted in their Proceedings in their Service, and Tobacco in divers parts of the Kingdom hath bin retailed without his Majesty's License, and many who have



have Licenses have forborn to make payment of their Rent.

His Majesty therefore, to remove all Doubts, hath thought fit, with the Advice of his Privy-Council, publickly to declare his Royal Intention, that his Majesty's Letters-Patents and Commission, to the Lord Goring, concerning the Licensers of Retailers of Tobacco, was not meant to be impeached by the said Proclamation of the 9th of April last; but that the said Letters-Patents and Commissions are still in force, and no way infringed.

15 Caroli.

At the Court at *Whitehall*, Aug. 25. 1639.

Present,

The King's most Excellent Majesty,

Lord Archbishop of *Cant.*  
Lord Keeper,  
Lord Duke of *Lenox*,  
Lord Marques *Hamilton*,  
Earl Marshal,  
Lord High Admiral,  
Earl of *Dorset*,

Earl of *Salisbury*,  
Earl of *Holland*,  
Lord *Goring*,  
Lord *Cottingham*,  
Lord *Newburgh*,  
Mr. Comptroller,  
Mr. Secretary *Windebank*.

According to his Majesty's Pleasure signified by Mr. Secretary *Windebank*, George Lord *Goring* was this day sworn of his Majesty's Privy-Council, sate at the Board, and signed Letters.

August 25. the  
Lord *Goring*  
made one of  
the Privy-  
Council.

The Oath which he took was as followeth :

The Oath of a Privy-Counsellor.

**Y**ou shall swear to be a true and faithful Servant unto the King's Majesty, as one of his Privy-Council: You shall not know or understand of any manner of thing to be attempted, done, or spoken against his Majesty's Person, Honour, Crown, or Dignity Royal, but you shall let and withstand the same to the uttermost of your Power; and either cause it to be revealed unto his Majesty himself, or to such of his Privy-Council as shall advertise his Highness of the same. You shall in all things to be moved, treated, and debated in Council, faithfully and truly declare your Mind and Opinion, according to your Heart and Conscience; and shall keep secret all Matters committed and revealed unto you, or shall be treated of secretly in Council. Or if any of the said Treaties and Counsels shall touch any of the Counsellors, you shall not reveal it unto him, but shall keep the same, until such time as by the consent of his Majesty, or of the Council, publication shall be made thereof. You shall to your uttermost bear Faith and Allegiance unto the King's Majesty, his Heirs, and Lawful Successors, and shall assist and defend all Jurisdictions, Preheminencies, and Authorities, granted to his Majesty, and annexed to his Crown, against all Foreign Princes, Persons, Prelates, or Potentates, by Act of Parliament, or otherwise.

An. 1649.

The Spanish Armada's arrival on the English Coast.

And generally in all things you shall do, as a faithful and true Servant and Subject ought to do to his Majesty. So help you God, and the holy Contents of this Book.

The King had not bin returned from *Berwick* much above a month, when there appeared upon the *English Coast* a great *Spanish Armado*, discovered first beyond the *Lands-End* by a Fleet of *Hollanders* about the 17<sup>th</sup> of *September*. The Fleet was commanded by *Don Antonio Dequendo*, consisting of about seventy Sail of Ships; at the first sight they appeared like the *Invincible Navy* in 88. The Vice-Admiral of *Holland*, with seventeen good Ships engaged them, yet in a retreating posture, being much too weak for so great a Navy: And when he came into the *Narrow Seas*, still kept firing of his Ordnance upon the Enemy, having got the Wind of them, with intent not only to annoy them, but to give warning to the *Holland Admiral Van Trump*, then lying before *Dunkirk* with part of the *Holland Feet*; who upon the noise of the Cannon weighed Anchor, and within few hours, bringing with him eight tall Ships, joined with the seventeen Sail. And being now 25 in number, they resolutely set upon the *Spanish Fleet*, held out a fierce Engagement with them most part of that day; took three Galleons, sunk one, and shattered the rest; insomuch that the *Spaniard*, for his better security, betook himself to the *Downs* near *Dover*, assuring himself of protection while he lay in the King of *England's Chamber*.

That Night, by the help of an *English Pilot*, the *Spaniard* sent away sixteen Ships with 4000 Land-men, who in the dark escaped the *Dutch*, and got safe to *Dunkirk*.

The King sent the Earl of *Arundel* to the Commander of the *Spanish Fleet*, for a sight of his Commission, and to know the occasion of his coming upon the Coast with so great a Navy and Army, having aboard in number about 20000 Land-men (as the King was informed) besides Seamen.

The *Spanish Don* returned this Answer, That the King of *England* might be well assured, that there was no evil intention towards him, nor had they any Design upon any part of his Dominions, for they were only sent with Recruits to *Dunkirk* and *Flanders*, with money to pay the Souldiers there.

That Answer was all the Commission the *Spaniard* shewed.

The King afterward desired him to retreat with the first fair Wind, for that he was in Amity with both States, and would not willingly have them engage within his Dominion of the Seas. Captain *Pennington* in the mean time received Orders from his Majesty to ride with the Royal Navy in the *Downs*, and there to wait the issue of this Business.

Great were the hopes of the *Spaniard* to have procured from the King of *Great Britain*, (which was not a little laboured for by the Lord *Cottington*) that Captain *Pennington* should be Umpire between both Parties, and not suffer any further Engagement, but fall upon that Party that should, without his leave, give the first onset.

But those endeavours proved ineffectual, for the *Spaniard* having staid almost a month for a Wind to carry him out, the *Hollander* had in the mean time increased his Fleet to almost an hundred Sail, and  
incompassed



incompasled the *Spaniard*, without receiving any opposition from Capt. Pennington. 15 Caroli.

The *Spaniard* in the interim being supplied from *London* with Powder and other Ammunition, in such Proportion and Quantity as he desired.

The *Hollander* impatient of lying still, and being grown so strong, that he seemed, as if he cared neither for the *English* nor *Spanish* Fleet, divided his Fleet into Squadrons in order to a Fight; which the *Spaniard* discovering, put himself into the best posture he could to receive him. The Encounter was very hot and furious for the time, till the *Hollander* fastned some Fire-Ships upon the *Spaniard*, and so overpowred him with Cannon, that at last the *Spaniard* was forced to shift for himself: About twenty *Spanish* Ships, under the Command of the Vice-Admiral, ran upon the Shore and were stranded, but most of the Men got on shore. About five of the *Spanish* Ships were sunk and burnt, whereof one a great Galleon, which was the Vice-Admiral, and carried fifty Pieces of Brass Ordnance; the rest of the Ships, being about thirty in number, put to Sea under the Command of *Don Antonio*. The *Hollanders* made sail after them, firing upon their Rear, till a great Fog somewhat abated the heat of the pursuit, yet the *Hollander* kept so close, as that he continued firing now and then upon the Rear of the Enemy, till the Fog cleared up; and then the Fight began afresh, and the Admiral of *Portugal* being fired, and divers of the *Spaniards* taken, *Don Antonio*, with about ten Ships of the Fleet, hired an *English* Pilot, steered a Course for *Dunkirk*, and gained a safe Harbour, the rest were taken and sunk.

The *Spaniards* that came to Land near *Dover*, told the Country People, That they were brought out of the Kingdom of *Spain* against their Wills, and by a Device, viz. That the Beacons being fired, as if an Enemy had landed, all the Country runnig down with Arms and Clubs toward the Sea-Coast, to prevent further Danger, were, as soon as they came there, clapt aboard the Ships, and brought away.

It occasioned no small diversity of Opinion, that so great an *Armado* should come upon the *English* Coast at such a conjuncture of Time.

And it was observed, that the Governor of *Dunkirk* did absolutely refuse, till afterwards he had particular Orders from the chief Governor of *Flanders*, to give the aforesaid 4000 Souldiers entrance into *Dunkirk*, not knowing what the Design might be.

Some discoursed that the aim was upon the *Isle of Wight*, several of the Trained Bands of that County being that Summer commanded into the North, and the Governor, or his Deputy, having about that time of the *Spaniard's* coming upon our Coast, in a Frolick, (at drinking of Healths) well nigh shot away all the Powder, so that the Inhabitants had not enough wherewith to resist an Enemy if they had landed.

Nor had *Kent* Arms to defend their Coasts; for the Trained-Bands were ordered to furnish the Souldiers that went by Sea to *Scotland* with Arms.

Others conjectured, that they were intended for *Ireland*, where there was an Army raising of 8000 Men, about 7000 whereof were Papists,

An. 1637.

Papists, who might better secure their Landing in that Kingdom, and where there was no want of Men of the same Religion to join with them, and Men of Experience to Command them; for there were not in the Fleet Commanders in any measure proportionable to the number of Men aboard the Ships.

But it was wondred at by all, that the King of *Spain* should be at so great a Charge to convey his Mony into *Flanders*, when the *English* Ships had from Year to Year performed the same Service for the expence of Coinage in the *Tower*.

Jealousy did arise amongst others, because at that time all the Gunpowder was placed in one hand, and the *Tower of London* in the Command of one not acceptable to the Nation at that time.

Another sort concluded they were bound for *Scotland*, in hope that both these Nations would shortly be involved in a War.

This ensuing Proposition made to the King of *Spain*, was discovered about that time the said *Armado* came on the *English* Coast; upon the out-side of the Paper was subscribed Bro—entituled, *The means to establish the Catholick Religion in Scotland*.

But the Author leaves the Reader free to his own Judgment, what Application can be made, that the Paper had that Design, in reference to the present Disturbances in *Scotland*. The Proposition was in these words.

‘**F**OR the Enterprize, there shall be need of no more than 3000  
 ‘ Men of Aid, which shall land in the Islands of *Orkney*; which  
 ‘ being of themselves strong, may be made in a little time impregna-  
 ‘ ble; besides they are fertile, and abundance of all things necessary  
 ‘ for the sustaining of the aforesaid number, and very near the  
 ‘ Strengths of the most principal and powerful Catholicks of *Scot-*  
 ‘ *land*; amongst which is the Earl of *Caithness*, who is Lord of all those  
 ‘ parts of *Caithness*, which are nearest the Islands of *Orkney*, and may  
 ‘ aid us with 4000 Men to join with the others; which after having  
 ‘ fortified, and made sure the *Islands*, shall pass on to *Dundee*,  
 ‘ and *St. Johnstons*, Places very easy to fortify and to keep, being di-  
 ‘ vided from the firm Land by the great River of *Frith*, which is so  
 ‘ deep, that the Enemy cannot pass it with their Horse, neither can the  
 ‘ Foot endanger us, because they must of necessity enter by the Moun-  
 ‘ tains of *Atkell*; the which with a Fort made with 300 Men, shall be  
 ‘ inaccessible: And although we should give them free passage, they  
 ‘ could not prejudice us, as well for that Multitude on our part, and  
 ‘ the strength of the Country, as also for the Intelligence we shall  
 ‘ have amongst them: And if they would set upon us by Sea, they  
 ‘ can set out no Fleet so strong as ours shall be, except all the King-  
 ‘ dom contribute to it. The which cannot be done except all the  
 ‘ States do join; of which we of the Confederacy shall be the grea-  
 ‘ ter part; and so the Enemy shall forthwith be forced, either to give  
 ‘ Liberty of Conscience to the Catholicks, or put themselves in evi-  
 ‘ dent danger of losing all.



*The Commodities which shall result from this Enterprize.*

The King of  
Spain.

‘ Your Majesty shall get great Honour and Reputation by doing  
‘ so remarkable Services to God and his Church; and shall put  
‘ your Enemies to such a streight, and such extraordinary Expences,  
‘ that they shall now spend more in one Year, than they have done in  
‘ many; because the *Hollanders* shall either be forced to maintain an  
‘ Army, (not to Rob, as they have done in the *Indies*, but for their  
‘ own Defence) or to let their Fleet be taken, which goes every  
‘ Year to fish in our Sea; by which means they would want Provi-  
‘ sion, Ships, and Mariners, and other incredible Damages would  
‘ follow; and howsoever it should be, we may take from them, or at  
‘ least interrupt their Trade of *Denmark*, *Hamburgh*, and *Lubeck*,  
‘ *Breme* and *Embsden*, without which they cannot live.

‘ Last of all, Those of *Dunkirk* and *Newport*, which have no other  
‘ Ports to retire themselves to, shall not want them in *Orkney*, with a  
‘ prosperous Wind, to their great Commodity, and annoying their  
‘ Enemy.

‘ As for the King of *Great Britain*, if he will not give Liberty of  
‘ Conscience, he shall be reduced to it with no less Dammage; and if  
‘ he would hinder our Enterprize, he must maintain three Armies,  
‘ two by Sea, one on the West side, the other on the East, and the  
‘ third by Land; which shall do us no great hurt, by reason the *Scots*  
‘ will never consent that the *English* shall enter into *Scotland*, except  
‘ it be with so small a Troop, as shall be of no effect, and shall be al-  
‘ ways subject to be exposed to all Danger, and to be cast out from  
‘ thence at our pleasure, and this for the great Enmity and Distrust  
‘ which is and always hath bin between both Nations. Besides, the  
‘ *English* Catholicks which are now Banished, or shall be hereafter,  
‘ may retire themselves thither, and hold correspondency with much  
‘ facility in *England*, and shall handle and negotiate for the Service of  
‘ God, and your Majesty, and much prejudice the King: And they  
‘ shall be succoured and helpt of the *Irishmen* with all things necessary,  
‘ and upon all occasion that shall be offered.

‘ For this purpose there ought to be a Consideration of the great  
‘ mischief that may light upon God’s Church, and this Monarchy;  
‘ if the King of *England*, being confederate with all the Hereticks  
‘ and Enemies of God and *Spain*, should have opportunity during  
‘ his Life, to carry forward and facilitate his Pretence and Title which  
‘ he hath to the Crown of *France*, the Business will be ended before  
‘ we can from hence hinder him, and he will be the most powerful  
‘ Enemy to God’s Church, and prejudicial to this Monarchy, that ever  
‘ hath bin, considering the great Power he shall have both by Sea and  
‘ Land, with the Aid of *Denmark* his Brother-in-Law, *Holland*, and  
‘ other Hereticks his Confederates.

‘ Other things there be of more Importance, which are not fit to be  
‘ written, which I reserve to tell your Majesty by word of mouth,  
‘ or to whomsoever of your Council your Majesty shall be plea-  
‘ sed to appoint; to whom I will also give a more particular Ac-  
‘ count and Satisfaction of what I have here proposed.

Now

An. 1639.

A Paper of  
the Ferries in  
Scotland.

Now in regard this Paper doth mention the Ferries in *Scotland*, and the advantage of strength which that part of the North of *Scotland* hath thereby, the Reader for his diversion may cast his eye on this Description following, which was made for his Majesty's service against the *Covenanters*.

THE River of *Nefs* is large and deep, falleth out of a Lake named *Nefs*, twenty four Miles long, and five or six in breadth, into a great Bay of the Sea. On this River standeth the Town of *Inverness*, which hath a strong Castle, in the keeping of the Marquess of *Huntly*, as yet not taken. If in this Town and Castle were put a competent Garrison, with a Ship and Pinnace in the Bay, you might break the Ferry-Boats, and stop all Passages from Northward of that River.

The River of *Tay* falleth out of a Lake ten Miles long, and one and a half broad, from whence the River hath the Name, which is the main and only Passage between the North and South Parts of the Kingdom. This River falleth into the East Sea below *Dundee*, the biggest Town almost in *Scotland*. At the entry to the Sea it is two Miles broad, and continueth the same breadth upward till within three or four Miles of *St. Johnstown*, between which Town and *Dundee* there are sixteen Miles and above, at no part whereof there is any passage but by Ferry-boats. If a few Ships would ride at the Mouth of this River below *Dundee*, and send up some small Pinnaces, they might break all the Ferry-boats, and stop all the Passages that could be made over at any part between the North of the River and the said Town of *St. Johnstown*, above which to the said Lake the River is not ridable but at some few Fords, the Passages whereof might be kept by the Noblemen, who stand well affected to his Majesty's Service, and whose Estates do lie there about *Strathern*; such as the Earls of *Airly*, *Perth*, *Tullibarden*, and *Kinnoul*: who if they were sent home with a competent Number of Souldiers to attend them, all those of their Name, their Friends and Tenants gathered unto them, might stop all Land-passages whatsoever from North to South.

And in case the People of *Fife*, who dare not now cross *Forth*-River, in regard of your Majesty's Ships, should march with supply by *Sterling*-Bridge to *Lothian*, these Noblemen with their Forces might be in some narrow Passage in their way; and if they could not force them to retire, yet they might fall upon their Country in their absence, so that they could not both be able to defend their Sea-Coasts, and secure them from Danger on their Backs; neither durst they all turn back on *Strathern*, for fear that those of the Fleet should land on their Shores in their absence.

The Shire of *Perth* would be a Rendezvouz and safe Retreat to all those of *Fife*, *Angus*, *Strathern*, and the *Highlands*, who upon this Proclamation shall abandon the *Covenanters* Party, and stand for his Majesty's Service.

These four Noblemen, with the Number your Majesty will send with them, might be sent almost to their Dwellings by Sea on the said River.

If



‘ If the Town of *Sterling* were seized, these River-Passages made  
 ‘ sure, and the Town of *Aberdeen* secured, in regard of your Majesty’s  
 ‘ Forces in the North, no harm could be expected from the  
 ‘ North. Caroli 15.

*An Account of the Spanish Armado this present Year 1639, but  
 for what Invasion not yet known.*

This Paper was sent from beyond Seas, before their Arrival in the  
*Downs* near *Dover*.

|                                         |        |                 |
|-----------------------------------------|--------|-----------------|
| Heir Gallies, Gallions, and Gallies,    | 200    | } in toto, 380. |
| Ships built after the English fashion,  | 120    |                 |
| 20 Hulks, 20 Pinks, 20 Carvels, in all, | 60     |                 |
| Land-Souldiers,                         | 26000  |                 |
| Voluntary Noblemen and Gentlemen,       | 800    |                 |
| Great Ordnance,                         | 4000   |                 |
| Saylors,                                | 13000  |                 |
| Gally-Slaves,                           | 3000   |                 |
| Kintals of Pouder,                      | 9000   |                 |
| Poysoned Bullets for Ordnance,          | 420000 |                 |
| Hollow Bullets with wild Fire,          | 20000  |                 |
| Muskets and Callivers,                  | 22000  |                 |
| Partizans,                              | 10000  |                 |

Double Cannon, Field-Pieces, Dry-fats filled with old Nails and  
 broken Iron, with store of Carriages, and other Necessaries both for  
 Sea and Land-Service, without number. Also there are 3000 Spears,  
 and Armor Musquet-proof. There is great provision for Wine, Bif-  
 kets, Hogs, Bacon, Cheese, Beeves, Rice, Pease, Oats, Lamps,  
 Pipes for fresh Water, Torches, Lanthorns, Canvas, Lead, Spades,  
 Mattocks, Shovels, Goulthrip, Baskets, Brushdrops innumerable.

*The Names of the Commanders of the Fleet.*

|                          |                                   |
|--------------------------|-----------------------------------|
| Duke <i>Albaigne</i> ,   | Don <i>Michel deme Schedula</i> , |
| Duke <i>Erdischeke</i> , | Don <i>Jugg Piker de la</i> ,     |
| Duke <i>Dadon</i> ,      | Don <i>Egmunda</i> ,              |
| Marquess <i>de Dal</i> , | With other Dons.                  |

With these the Arch-Duke is to meet with great Forces, and to be  
 General of the whole, who is reported to have a Ship thought to be  
 Cannon-proof for this Armado. There commeth with the Arch-duke  
 Marquess *Spinola* the younger, the Earl of *Tyrone*, and the Earl of  
*Arquila*, with 3000 Horse to be transported in flat-bottomed Boats.  
 The second Son to the Duke of *Savoy* is Admiral of the *Spanish* Navy;  
 Sir *Robert Dudley*, Vice-Admiral; Sir *Griffin Markeham*, and  
 Sir *Guy Stanley*, Colonels of Regiments. Also there is one *Nevil*,  
 who termeth himself Earl of *Westmerland*, who hath a great Com-  
 mand.

An. 1639.

## The Names of the Cities that have sent in Ships.

|      |                       |    |                |
|------|-----------------------|----|----------------|
| From | Azore,                | 20 | } in toto, 280 |
|      | Valentia,             | 20 |                |
|      | Lisbon,               | 40 |                |
|      | Groine,               | 50 |                |
|      | Cadiz, and Mary-Port, | 20 |                |
|      | St. Sebastians,       | 20 |                |
|      | Naples,               | 40 |                |
|      | Barcelona,            | 70 |                |

There are lately arrived at *Lisbon* twenty armed Elephants sent from *Persia*, but for what purpose is unknown.

A Copy of a Letter sent from *Malago*.

**I**N this place there is great provision for War, (the like hath not bin known in Spain) from whence the King is to have 1000 Tun of Wine and Vinegar; and likewise there is provided 10000 Barrels of small Shot, 10000 Kintals of Ponder, 60000 Broaches or Bottles, 60000 Baskets for Pioneers, with an incredible Number of Spades, Shovels, Scoops, Mattocks, and all other Provision for Victuals, as also Wild-fire.

There is also expected for this Expedition from *Dunkirk*, and other Places in the *Netherlands* under the King of Spain's Dominions, great Assistance.

Prayers for the  
Souls of those  
slain in the  
Spanish Armado.

About ten days after the Parliament met in *April*, Sheriff Warner informed the Speaker something concerning the said Armado, whereupon *Thomas Chude* and *John Clay* were called in to the House of Commons, to testify touching a Book, entitled, *The Jubilee of Jesuits*. And first, *Thomas Chude* declared, That he had one of those Books in his Custody, he had it from a Woman at *Redriff*, Wife to *Henry Cradwel*, a Cobler, whose Wife is a Papist; that he delivered the Book the same day he had it to the Sheriff of *London*, Sheriff Warner: In which Book was contained, That the Papists should fish in troubled Waters, whilst the King was at War with the Scots; with Prayers in it for the holy Martyrs, that suffered in the Fleet sent against Hereticks in England, Anno 1639.

At *Whitehall*, Octob. 20. 1639.

Monies given  
to exempt Men  
from serving  
the King in  
this Expedition  
complained  
of.

**T**HIS day a Letter of the fourth instant, from the Deputy-Lieutenants of the County of *Devon*, was read at the Board, together with a Paper inclosed, containing the Names of some Persons found to be Delinquents, for exacting Monies to exempt many of the Trained Men from serving of his Majesty in the late Expedition. *Degory Doole* of *North-Petherwin* saith, he gave nine Pounds and eighteen Shillings to Mr. *George Yeo*, the Captain's Brother, to be given to Sir *Lewis Polland*'s second Son, to exempt him from his  
Ma-



‘ Majesty’s Service ; but he believes the Deputy Lieutenant knew  
 ‘ nothing of it. *Thomas Jeffrey* of *Mankorkhampton* saith, he gave  
 ‘ six Pounds to *Mr. Hugh Pollard*, Lieutenant, to have his Supply to  
 ‘ be taken, and paid his Supply besides. *John Tellerd* of *Marlborough*,  
 ‘ as did appear by examination, is guilty of Exaction of both the  
 ‘ Sums, viz. eight Pounds and ten Shillings of *Edward Stretch*, and  
 ‘ Fifteen Pounds of *John Avent*, both of the Parish of *South-milton*.  
 ‘ Their Lordships upon consideration had thereof, did think fit and  
 ‘ order, That his Majesty’s Attorney General should be prayed and  
 ‘ required to exhibit an Information in the Star-Chamber against the  
 ‘ said Delinquents.

15 Caroli.

*Writs to be issued for Ship-Money, and a List of the Ships.*

‘ IT was this day resolved by his Majesty, with Advice of the  
 ‘ Board, that there shall be issued Writs forthwith to all the Coun-  
 ‘ ties of *England* and *Wales*, and to the Corporations within  
 ‘ the same, for the setting forth and furnishing in warlike manner  
 ‘ of Ships for the defence of the Realm, according to the List  
 ‘ herewith sent ; the said Ships to be ready at the same Rendez-  
 ‘ vous by the first of *April* ; and the Time for the first Assessment  
 ‘ to be within thirty days after the receipt of the Writs respectively.  
 ‘ Whereof his Majesty’s Attorney General is to take notice, and to  
 ‘ prepare a Warrant ready for his Majesty’s signature, directed to  
 ‘ the Lord Keeper, to issue out the Writs accordingly. And a Mi-  
 ‘ nute of Letters and Instructions is to be prepared for the expedition  
 ‘ of this Service.

Nov. 10.

Distribution of Ships to the several Counties of *England*  
 and *Wales*, with their Tunnage and number of Men,  
 as the same was ordered to stand this present Year.

|                                    | Ships. | Men.    | Tuns. |
|------------------------------------|--------|---------|-------|
| Berks ———                          | 1 ———  | 128 ——— | 320   |
| Buckingham ———                     | 1 ———  | 144 ——— | 360   |
| Bedford ———                        | 1 ———  | 096 ——— | 240   |
| Bristol ———                        | 1 ———  | 026 ——— | 064   |
| Cornwall ———                       | 1 ———  | 176 ——— | 440   |
| Cambridg ———                       | 1 ———  | 112 ——— | 280   |
| Cumberland<br>and<br>Westmorland } | 1 ———  | 045 ——— | 112   |
| Chester ———                        | 1 ———  | 096 ——— | 240   |
| Devon ———                          | 1 ———  | 288 ——— | 720   |
| Darby ———                          | 1 ———  | 112 ——— | 280   |
| Dorset ———                         | 1 ———  | 160 ——— | 400   |
| Duresm ———                         | 1 ———  | 064 ——— | 160   |
| Essex ———                          | 1 ———  | 256 ——— | 640   |
| Glocester ———                      | 1 ———  | 176 ——— | 440   |
| Hampshire ———                      | 1 ———  | 192 ——— | 480   |
| Heresford ———                      | 1 ———  | 112 ——— | 280   |

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An. 1639.

|                | Ships. | Men. | Tuns. |
|----------------|--------|------|-------|
| Huntingdon     | 1      | 064  | 160   |
| Hertford       | 1      | 128  | 320   |
| Kent & Poys    | 1      | 256  | 640   |
| Lancaster      | 1      | 128  | 320   |
| Leicester      | 1      | 144  | 360   |
| Lincoln        | 1      | 256  | 640   |
| London         | 2      | 448  | 1120  |
| Middlesex      | 1      | 160  | 400   |
| Donmouth       | 1      | 048  | 120   |
| Northampton    | 1      | 192  | 480   |
| Nottingham     | 1      | 112  | 280   |
| Northumberland | 1      | 068  | 168   |
| North-Wales    | 1      | 128  | 320   |
| Norfolk        | 1      | 253  | 624   |
| Oron           | 1      | 112  | 280   |
| Rutland        | 1      | 026  | 064   |
| Somerset       | 1      | 256  | 640   |
| Surrey         | 1      | 112  | 280   |
| Sussex         | 1      | 160  | 400   |
| Suffolk        | 1      | 256  | 640   |
| Stafford       | 1      | 096  | 240   |
| South-Wales    | 1      | 160  | 400   |
| Salop          | 1      | 144  | 360   |
| Warwick        | 1      | 128  | 320   |
| Worcester      | 1      | 112  | 280   |
| Wiltz          | 1      | 224  | 560   |
| York           | 2      | 384  | 960   |

*The Cause between the Lord Deputy of Ireland, and Lord Loftus, appointed to be heard.*

Nov. 12.

‘ **T**his day his Majesty and the Board entered into the hearing of  
‘ the Causes between the Lord Deputy and Council of Ireland,  
‘ and the Lord Chancellor of that Kingdom. And his Majesty’s At-  
‘ torney General having opened the General Charges against the said  
‘ Lord Chancellor; his Majesty, with the Advice of the Board, pro-  
‘ ceeded to the hearing of the Charge, expressed in the Order of the  
‘ third of November last, concerning the Lord Chancellor’s delivering  
‘ of the Negative Voice of the Nobility, to the Contribution for the  
‘ Army; which being done, and the Lord Chancellor’s Counsel still  
‘ insisting, that the Cause of the Lord Chancellor’s Appeal might be  
‘ heard before the other Charges. The Lord Deputy, in the Name  
‘ of himself, and of the Council of Ireland, humbly besought his  
‘ Majesty, That the Lord Chancellor of Ireland’s Counsel might have  
‘ their Desires. Whereupon the said Cause was entred into, by reading  
‘ of the Decree of the Lord Deputy & Council of Ireland; and Order  
‘ was given that the said Cause should be proceeded in upon the  
‘ grounds of Appeal, delivered by the Lord Chancellor. And Tues-  
‘ day, at two after Dinner, the 19th of this Month, was appointed  
‘ for the further hearing of the said Causes, whereof all the Parties  
‘ concerned therein are to take notice, and to prepare themselves, with  
‘ their Counsel, and to attend accordingly.

Letters



Letters of the Tenour following, were directed to the present Sheriffs of the severall Counties under-named ; and to the Sheriffs respectively, who had the charge to execute his Majesty's Writs in the said severall Counties, for the Ship-Money in the Years hereafter written.

**W**Hereas upon examination of the Accounts of the Shipmony taken by us, in the presence of his Majesty, to be levied upon the Writs issued in the Years 1636, 1637, 1638 ; notwithstanding the continual calling upon you the Sheriffs of the former Years by this Board, by his Majesty's special Command, it appeareth there is yet an Arrear upon you the Sheriff of that County, upon the Writ issued in the Year 1636, the Sum of \_\_\_\_\_ and upon the Writ issued 1636, the Sum of \_\_\_\_\_ and upon the Writ issued 1638, the Sum of \_\_\_\_\_. We have therefore thought fit hereby, according to his Majesty's speciall Command, to require you the Sheriffs for the former Years, with all possible speed, upon pain of his Majesty's Displeasure, and a severe Proceeding to be had against you, to pay in respectively to the Treasurers of the Navy, so much of the said Arrears as you have already Collected and not paid in. And to Assess, Levy, and Collect, by Distress or otherwise, according to the Tenour of the said Writs issued in the said former Years, the residue of the said Arrears remaining unassessed, unlevied, or uncollected, and to pay in the same with all possible speed respectively as aforesaid. For which purpose we do Require and Authorize you, the present Sheriffs, to give Warrant and Authority to you the Sheriffs of the former Years respectively, for the Assessing, Levying, and Collecting, as aforesaid, of the said Arrears. As also to give like Warrants and Authority to such other meet Persons, as you the Sheriffs for the former Years shall present respectively, and nominate unto you the present High Sheriff, either jointly or severally, to be imploied in this Service, by you the Sheriffs of the former Years, (from whom only his Majesty doth expect an Account thereof for your own time respectively). Of performance of all which, you, or either of you, may not fail, as you tender the good Opinion of his Majesty and the Board, at your Perils. And you the Sheriffs for the former Years, are to collect and pay in, all the said Arrears respectively, to the Treasurer of the Navy, by the end of Candlemas-Term. Or else you (or as many of you as fail herein) are to attend his Majesty and the Board, on the next Sunday after the Term, to give an account why the same is not levied and paid in. And so, &c.

From Whitehall the last day of November, 1639.

Signed,

Lord Arch-Bp of Canterbury.  
Lord Keeper.  
Lord Treasurer.  
Lord Privy-Seal.  
Earl of Suffolk.  
Earl of Dorset.  
Earl of Berkshire.

Lord Goring.  
Lord Cottington.  
Lord Newburgh.  
Mr. Treasurer.  
Mr. Secretary Cook.  
Mr. Secretary Windebank.

Arrears

A Letter from the Lords of the Council to the respective Sheriffs, to pay in the Arrears of Ship-Money for several years past.

An. 1639.

|                               | ARREARS,<br>An. 1636. |    |    | ARREARS;<br>An. 1637. |    |    | ARREARS.<br>An. 1638. |    |    |
|-------------------------------|-----------------------|----|----|-----------------------|----|----|-----------------------|----|----|
|                               | l.                    | s. | d. | l.                    | s. | d. | l.                    | s. | d. |
| Bedford                       | 073                   | 19 | 08 | 252                   | 14 | 05 | 711                   | 00 | 00 |
| Glocester                     | 250                   | 00 | 00 | 337                   | 00 | 00 | 323                   | 00 | 00 |
| Hertford                      | 117                   | 19 | 06 | 441                   | 16 | 07 | 627                   | 10 | 00 |
| Hereford                      | 074                   | 13 | 00 | 1169                  | 13 | 06 | 1150                  | 00 | 00 |
| Kent                          | 200                   | 00 | 00 | 771                   | 07 | 06 | 336                   | 11 | 04 |
| Middlesex                     | 488                   | 00 | 00 | 858                   | 06 | 07 | 468                   | 00 | 00 |
| Northampton                   | 650                   | 00 | 00 | 1793                  | 01 | 06 | 838                   | 13 | 03 |
| Northumberl.                  | 700                   | 00 | 00 | 900                   | 00 | 00 | 700                   | 00 | 00 |
| Oron                          | 484                   | 11 | 06 | 683                   | 01 | 00 | 700                   | 00 | 00 |
| Somerset                      | 191                   | 08 | 05 | 239                   | 02 | 06 | 488                   | 00 | 00 |
| Surrey                        | 255                   | 06 | 00 | 252                   | 16 | 03 | 414                   | 00 | 00 |
| Stafford                      | 300                   | 00 | 00 | 120                   | 00 | 00 | 200                   | 00 | 00 |
| Salop                         | 052                   | 17 | 06 | 172                   | 16 | 02 | 676                   | 01 | 11 |
| Warwick                       | 484                   | 00 | 00 | 800                   | 00 | 00 | 780                   | 00 | 00 |
| Worcester                     | 096                   | 00 | 00 | 1070                  | 00 | 00 | 710                   | 00 | 00 |
| Wilts                         | 800                   | 00 | 00 | 858                   | 01 | 00 | 1500                  | 00 | 00 |
| Dorset                        | 320                   | 00 | 00 | 876                   | 00 | 00 | 350                   | 00 | 00 |
| Buckingham                    | 1080                  | 00 | 00 | 854                   | 15 | 00 | 355                   | 04 | 09 |
| Bristol City<br>and<br>County | 233                   | 08 | 06 | 100                   | 00 | 00 | 600                   | 00 | 00 |
| Cambidge                      |                       |    |    |                       |    |    |                       |    |    |
| Cumberland                    | 000                   | 00 | 00 | 140                   | 00 | 00 | 150                   | 00 | 00 |
| Derby                         | 000                   | 00 | 00 | 054                   | 00 | 00 | 300                   | 00 | 00 |
| Duresme                       | 000                   | 00 | 00 | 106                   | 00 | 00 | 270                   | 00 | 00 |
| Essex                         | 000                   | 00 | 00 | 430                   | 00 | 00 | 700                   | 00 | 00 |
| Huntington                    | 000                   | 00 | 00 | 120                   | 00 | 00 | 211                   | 00 | 00 |
| Leicester                     | 000                   | 00 | 00 | 084                   | 15 | 00 | 271                   | 00 | 00 |
| Lincoln                       | 000                   | 00 | 00 | 400                   | 00 | 00 | 078                   | 00 | 00 |
| Norfolk                       | 000                   | 00 | 00 | 2622                  | 05 | 01 | 797                   | 00 | 00 |
| Suffolk                       | 000                   | 00 | 00 | 078                   | 02 | 11 | 150                   | 00 | 00 |
| Westmerland                   | 000                   | 00 | 00 | 075                   | 12 | 10 | 621                   | 15 | 00 |
| Worshire                      | 000                   | 00 | 00 | 240                   | 00 | 00 | 300                   | 00 | 00 |
| Lancashire                    | 000                   | 00 | 00 | 1237                  | 15 | 06 | 510                   | 00 | 00 |
| Devon                         | 000                   | 00 | 00 | 172                   | 10 | 00 | 000                   | 00 | 00 |
| Berkshire                     | 000                   | 00 | 00 | 742                   | 00 | 00 | 000                   | 00 | 00 |
| Cornwall                      | 000                   | 00 | 00 | 000                   | 00 | 00 | 620                   | 00 | 00 |
| Southampton                   | 000                   | 00 | 00 | 000                   | 00 | 00 | 383                   | 00 | 00 |
| Nottingham                    | 000                   | 00 | 00 | 000                   | 00 | 00 | 128                   | 00 | 00 |
| Pembroke                      | 000                   | 00 | 00 | 000                   | 00 | 00 | 250                   | 00 | 00 |
| Denbigh                       | 000                   | 00 | 00 | 000                   | 00 | 00 | 090                   | 00 | 00 |
| Flint                         | 000                   | 00 | 00 | 000                   | 00 | 00 | 068                   | 00 | 00 |
| Cartharthen                   | 000                   | 00 | 00 | 000                   | 00 | 00 | 066                   | 00 | 00 |
| Montgomery                    | 000                   | 00 | 00 | 000                   | 00 | 00 | 301                   | 00 | 00 |
| Brecknock                     | 000                   | 00 | 00 | 064                   | 00 | 00 | 322                   | 00 | 00 |
| Cardigan                      | 000                   | 00 | 00 | 054                   | 00 | 00 | 161                   | 00 | 00 |
|                               |                       |    |    | 294                   | 00 | 00 | 124                   | 00 | 00 |



Sir Thomas Roe his Advice from beyond Seas to the King, to intercept Lesley and Ammunition, &c. coming to Scotland.

Nov. 22.

‘**T**He Scots-men that arrive in these Parts, speak desperately and traiterously, as if there were very ill Resolutions fomented in that Kingdom. *Lesley* hath written to a Merchant in *Bremen*, his principal Correspondent in these parts, that he will come thither in *March* or *April* for some Business, and return with speed. *Bremen* is the only resort now of the *Scots*, and the only Port from whence they can securely extract all kind of Arms and Munition. If his Majesty could surprize him, I am perswaded it would be a smart blow to behead a Faction, upon whom the Mutineers do so much rely. To this end, If a small Ship were sent betimes to ride in the River of *Wefer* at *Gessendorp*, or *Hanibrake*, two or three months, it would not be Charges lost, and would terrify that Town. The Ship may be sent out secretly, and the Captains Commission, whither he shall go, be opened when he is at Sea; with Directions only to watch Ships bound from or to *Scotland*, and thus he may perhaps catch the Prey desired. For there can be no advice of his being there in *Scotland* in a month at least, and in the mean time he may hinder all Provisions to be transported thither. But if that way shall be thought too open, his Majesty may write an effectual Letter to the Archbishop of *Bremen*, to Arrest his Person in that Town, or within his Territory: And another to the King of *Denmark*, and Magistrates of this Town. *Lesley* being his Majesty’s Subject, I am perswaded it cannot be denied, for I have seen the Example fresh in the *Palatinate*, at the Instance of the Duke of *Holstein*. These Letters may lie dormant in mine or Mr. *Averies* hands, to be used, if there be occasion; if there be none, they may be returned without noise, so the Business be kept secret, which otherwise will but irritate, and do more harm than service.

Afterwards General *Lesley*’s Sister, and about fifteen Scottish Commanders, were taken at Sea, and brought Prisoners to *Berwick*; but a short time after released, and permitted to go into *Scotland*.

At *Whitehall*, *Novemb.* 26. 1639.

Present the King’s Majesty.

‘**H**is Majesty having this day heard at the Board a long Debate, by Counsel on both sides, concerning two other of the Charges sent by the Lord Vicount *Wentworth*, Lord Deputy General of *Ireland*; and by the Privy-Council of that Kingdom, of sundry Misdemeanours and Irregularities committed by the Lord Vicount *Loftus* of *Ely*, Lord Chancellor of *Ireland*, in his Place, viz. in the Cause concerning *Edward Jacob*, and in the Cause between Dr. *Medcalf* Plaintiff, and *George Harpoole* and other Defendants, in the Chancery of *Ireland*: Wherein his Majesty and the Board remain unsatisfied of the Clearness and Integrity of the said Lord Chancellor’s Proceedings.

Concerning the Lord Vicount *Wentworth*, Lord Deputy of *Ireland*; and the Ld Chancellor of *Ireland*.

And

An. 1639.

And however the said Lord Chancellor did allege, That he had not the Means to make Proofs on his side in the said Causes; yet it did appear that the default thereof rested wholly in himself. And his Majesty and the Board being satisfied upon the several Hearings, that the said Lord Chancellor is guilty of the delivery of the *Negative* Voice of the Lords Refusers to contribute for the maintenance of his Majesty's Army in the time of the Lord Vicount *Falkland*, late Lord Deputy of *Ireland*, and finding it sufficiently proved, That he did come out of *Ireland* before a legal Licence obtained, and contrary to that which he pretended himself to the said Lord Deputy and Council, and was directed by his Majesty, and did otherwise insolently behave himself to the said Lord Deputy and Council. His Majesty did this day, upon all the aforesaid Considerations, declare, with the unanimous advice of the whole Board, The said Lord Vicount *Lofius* of *Ely*, to be unfit any longer to hold the place of Lord Chancellor of *Ireland*, being of so great Trust and Importance for his Majesty's Service, and the Quiet and Preservation of his Subjects in that Kingdom. However his Majesty did not think fit to proceed to any other Censure at this time against the said Lord Vicount *Lofius* of *Ely*, in regard he did allege he had made no Proofs on his part, though the Default were in himself; but doth leave the said Charges, and such other Charges as shall be thought fit to be prosecuted against him legally in the *Star-Chamber*, by his Majesty's Attorney General.

Signed,

Lord Archbishop of *Canterbury*.  
 Lord Keeper.  
 Lord Treasurer.  
 Lord Privy-Seal.  
 Lord Duke of *Lenox*.  
 Lord Marquess *Hamilton*.  
 Lord High Chamberlain.  
 Earl Marshal.  
 Lord High Admiral.

Earl of *Holland*.  
 Earl of *Berks*.  
 Earl of *Morton*.  
 Lord *Goring*.  
 Lord *Cottingham*.  
 Lord *Newburgh*.  
 Mr. Treasurer.  
 Mr. Secretary *Cook*.  
 Mr. Secretary *Windebank*.

*The Branch of a Letter from the Arch-Bishop of Canterbury, to Dr. Hall Bishop of Exeter, dated at Lambeth the 11th of November, 1639, in Answer to the Bishop of Exeter's Letter concerning Episcopacy.*

THE rest of your Lordship's Letter is fitter to be answered by my own Hand, and so you have it. And since you are pleased so worthily and Brother-like to acquaint me with the whole Plot of your intended Work, and to yield it up to my Censure and better Advice, (so you are pleased to write) I do not only thank you heartily for it, but shall in the same Brotherly way, and with equal freedom put some few Animadversions, such as occur on the suddain, to your further Consideration, aiming at nothing but what you do, the Perfection of the Work in which so much is concerned.

And



‘ And first for Mr. *George Graham*, I leave you free to work upon  
 ‘ this Business and his Ignorance as you please, assuring my self that  
 ‘ you will not depart from the Gravity of your self, or the Cause  
 ‘ therein. Next, you say, in the first head, That Episcopacy is an  
 ‘ Ancient, Holy, and Divine Institution. It must needs be Ancient  
 ‘ and Holy, if Divine: Would it not be more full, went it thus, So  
 ‘ ancient as that it is of Divine Institution? There you define Epif-  
 ‘ copacy by being joined with Imparity, and Superiority of Jurisdi-  
 ‘ ction. This seems short: for every Arch-Presbyter’s or Arch-Deacon’s  
 ‘ Place is so; yea, and so was Mr. *Henderson* in his Chair at *Glasgow*:  
 ‘ unless you will define it by a distinction of Order. I draw the Su-  
 ‘ periority not from that Jurisdiction which is attributed to Bishops,  
 ‘ *Jure positivo*, in their Audience of Ecclesiastical Matters, but from  
 ‘ that which is Intrinsical and Original in the Power of Excommuni-  
 ‘ cation. Again, you say, in that first Point, That where Episcopacy  
 ‘ hath obtained, it cannot be abdicated without violation of God’s  
 ‘ Ordinance. This Proposition I conceive, *est inter munis habentes*;  
 ‘ for never was there any Church yet, where it hath not obtained  
 ‘ the Christian Faith; which was never yet planted any-where, but the  
 ‘ very first Feature of the Body of a Church, was by, or with Episcopa-  
 ‘ cy: and wheresoever Episcopacy is not suffered to be, it is by such  
 ‘ an abdication; for certainly there it was à *Principio*. In your second  
 ‘ Head, you grant that the Presbyterian Government may be of  
 ‘ use, where Episcopacy may not be had. First, I pray you, consi-  
 ‘ der, whether this Concession be not needless here, and in it self of a  
 ‘ dangerous Consequence. Next, I conceive there is no place where  
 ‘ Episcopacy may not be had, if there be a Church more than in title  
 ‘ only. Thirdly, Since they challenge their Presbyterian Fiction to be  
 ‘ Christ’s Kingdom and Ordinance, (as your self expresseth it) and  
 ‘ cast but Episcopacy as opposite to it; we must not use any mincing  
 ‘ terms, but unmask them plainly; nor shall I ever give way to ham-  
 ‘ per our selves for fear of speaking plain Truth, though it be against  
 ‘ *Amsterdam* or *Geneva*, and thus must be sadly thought on. Concer-  
 ‘ ning your *Postulata*, I shall pray you to allow me the like freedom,  
 ‘ among which the two first are true, but (as exprest) too restrictive.  
 ‘ For Episcopacy is not so to be asserted to Apostolical Institution, as  
 ‘ to bar it from looking higher, and from fetching it materially and  
 ‘ originally in the Ground and Intention of it, from Christ himself,  
 ‘ though the Apostles formalized it. And here give me leave a lit-  
 ‘ tle to enlarge; The Adversaries of Episcopacy are not only the fu-  
 ‘ rious and Aërian Heriticks, (out of which are now raised *Pryn*,  
 ‘ *Bastwick*, and our Scottish Masters) but some also of a milder and  
 ‘ subtiler alloy, both in the *Geneva* and the *Roman* Faction. And it  
 ‘ will become the Church of *England* so to vindicate it, against the  
 ‘ furious *Puritans*, as that we lay it not open to be wounded by either  
 ‘ of the other two more cunning and more learned Adversaries: Not  
 ‘ to the *Roman* Faction, for that will be content it shall be *Juris Di-*  
 ‘ *visi mediati*, by, from, for, and under the Pope, that so the Go-  
 ‘ vernment of the Church may be Monarchial in him; but not *imme-*  
 ‘ *diati*, which makes the Church *Aristocratical* in the Bishops. This is  
 ‘ the *Italian* Rock, not the *Genevean*, for that will not deny Episco-  
 ‘ pacy to be *Juris Divini*, so will take it, *ut suadentis vel approbantis*,  
 ‘ but not *imperantis*; for then they may take leave as they will, which

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is that they would be at. Nay (if I much forget it not) Beza himself is said to have acknowledged Episcopacy to be *Juris Divini imperantis*, so you will not take it as *unversaliter imperantis*, for then Geneva might escape, & *citra considerationem durationis*, for then though they had it before, yet now, upon wiser thoughts, they may be without it; which Scotland, says now, and who will may say it after, if this be good Divinity; and then all in that time shall be Democratical. I am bold to add this, because I find in your second *Postulatum*, that Episcopacy is directly commanded, but you go not so far as to meet with the subtilty of Beza, which is the great Rock in the Lake of Geneva. In your 9th *Postulatum*, That the Accession of Honourable Titles or Privileges makes no difference in the substance of the Calling. If you mean the Titles of Arch-Bishops, Primates, Metropolitans, Patriarks, &c. 'tis well; and I presume you do so: But then in any case take heed you assert it so, as that the Faction lay not hold of it, as if the Bishops were but the Title of Honour, and the same calling with a Priest, for that they all aim at, &c. The 11th *Postulatum* is large, and I shall repeat it, because I am sure you retain a Copy of what you write to me, being the Ribs of your Work; nor shall I say more to it, than that it must be warily handled, for fear of a saucy Answer, which is more ready a great deal with them than a learned one. I presume I am pardoned already for this freedom, by your submission of all to me; and now I heartily pray you be pleased to send me up (keeping a Copy to your self against the Accidents of Carriage) not the whole Work together, but each particular Head, or *Postulatum*, as you finish it; that so we here may be the better able to consider of it, and the Work come on the faster. So to God's blessed protection.

Will. CANT.

This Letter was thus endorsed with the Arch-Bishops own hand.

*My Answer (of November 11. 1639.) to the Heads of the Bishop of Exon's Books intended for Episcopacy.*

A Letter



A Letter directed to our very good Lord the Earl of Northumberland, Lord High Admiral of England.

**W**Hereas it is his Majesty's Pleasure, That Twenty Ships and Pinnaces of his own, shall be this Year set forth for Guard of the Seas, and Defence of the Realm, over and above the Ships that are required to be set forth by the City of London. We have thought good hereby, in his Majesty's Name, to pray and require your Lordship forthwith to take effectual Order for the present preparing, setting forth, and furnishing, in compleat and war-like manner, Twenty such Ships and Pinnaces of his Majesty's, as your Lordship shall think fittest, for eight Months Service at Sea; to be all ready to be put to Sea by the Tenth of April next, for the Service aforesaid. And for your Lordships so doing, this shall be your Warrant. And so we bid your Lordship, &c.

Lord Admiral  
to set forth 20  
Ships.

From the Court at Whitehall, the 17th of December 1639.

Signed,

Lord Arch-Bishop of Canterbury.

Lord Keeper.

Lord Treasurer.

Lord Privy-Seal.

Lord Marquess Hamilton.

Lord Chamberlain.

Earl of Salisbury.

Lord Vicount Wentworth.

Mr. Secretary Windebank.

For the Right Honourable, Philip Earl of Pembroke and Montgomery, Lord Chamberlain of his Majesty's Household.

My good Lord,

**I** Have large encouragement to use freedom, both from your own favours to me, and my affection to your Lordship, and so may expostulate with you, for withdrawing your wonted (and even lately expressed) respects at the Camp to this Nation. You found we had reason for our lawful Defence, and that we had loyal Hearts to our Prince, and Justice in our Desires; which moved you to plead for us, and so engaged the Affection of many to you. But sithence, when my Lord Traquair made his Relation, that moved hard Conclusions against us, not requiring so much as that it should not obtain Truth to the prejudice of a Noble Nation, till we were heard; and agreeing that an Army should be levied, and lending Monies, hath much grieved us, to be disappointed of one we so much trusted. I have therefore been bold to entreat that we may keep better Correspondency, or else by mistake we may be brought again to begin a Mischief that will not end in our days. As we have formerly declined it, so shall it not be our fault. And it lies in your Lordship, and in other great Persons, to prevent these Evils. You have lived in all great Ease, Peace, and Plenty for many years, as any Nation in the World; and if you can like to interrupt your own Happiness for the pleasure of some Prelates, who will share little with the Hardships and Dangers that will be indured, you are not well advised. The Earl of Dumfermling, and Lord Loudon, are sent with a full in-

The Earl of  
Rother his Letter  
to the Earl  
of Pembroke,  
and his Answer  
to the same,

*Reflexes. They will wait upon your Lordship, and expect your wonted Assistance. They all (as much as may be) decline War, except you will now needs have it. We hope your Lordship and others will make use of these Reasons for the right end, which will fix a great deal of Obligation from both Nations on you, and shall infinitely increase my respects, desiring to continue,*

Your Lordship's

Edenburgh, Jan.  
29. 1639.

most humble Servant,

ROTHES.

For the Right Honourable, the Earl of Rothes, these.

My good Lord,

**T**He Civilities and good Respects which I placed upon you, at the time of my being in the Camp, you stile Encouragements, and insinuate them as Reasons why you may expostulate with me. Your Premises I allow you, but your Inference I return you again, as fuller of Sophistry and mean Designs, than of Truth or Reason.

First, I never allowed your Defence lawfully undertaken, by other Arms than by Petitions and Prayers unto your Master. I never found Loyalty in your Covenant, nor Duty in your taking up Arms. I never affirmed the Justice of your Cause; neither did I consider so much the Merit thereof, as your unwarrantable and tumultuous disobedience therein unto the King, with the Vexation and Disturbance it brought upon the Nobility of this Kingdom. Neither was I in all this Commotion your Advocate for other reasons, than suffering my self to become a Mediator to his Majesty for your Peace and Forgiveness, moved thereunto by your frequent Protestations of paying all Duty and Loyalty to your Master's Commands.

If from hence you haply gained from me an easier Credulity, than your masked Designs deserved at my hands, I know not why you should obtrude on me an Alteration of my Opinion, or a withdrawing of my (but conditional) Respects from you. Thus far an Answer to what concerns me.

And now, as a Counsellor of England, let me be bold to expostulate with you upon that which follows in your Letters.

How cometh it to pass that you should upbraid us, or expect from us, that we should not give credit to my Lord Traquair's Relation; that we did not mediate with the King, to change his Resolution of sending forth an Army; and that we did not deny the King Loans of Money for his Service?

My Lord, These Enforcements perhaps as little become you, as it is certainly unlawful and undutiful in the Subjects of England to dispute it with their King. You may pretend Religion to be the sole Cause of your Grievance; but we believe it a woful Religion here, that hath thus deposed it self of all Moral Duty and Civility. Nay, you go further, you threaten and fear us with a Mischief that will not end in our days; and boldly make it your own Act, to have declined it hitherto, without Obligation to the King's Mercy at all. You tell us of Plenty, and Ease, and Happiness for many years enjoyed, and wonder we should expose all those to hazard for the pleasure of some few Prelates.

My



*My Lord, These are Arguments for common People, and Men of broken Fancies to feed upon; but such Suggestions will not find nor make a Party here. Perhaps it may blow them into a Flame, whose Zeal already hath burnt up their Duty and conscionable Allegiance unto their Master.*

15 Caroli.

*To be short, as I never had a Correspondency of Business with your Lordship, so your Letters have assured me it is dangerous to begin it. Yet for the Peace of both the Churches and Kingdom, I will adventure to give you this Intelligence, That we have not (in our Council here) proceeded against you without deliberation, a good Conscience, and a just sense of Honour. Neither shall I, or any of us, be entreated or feared by you, or any of you, for contriuting our Assents or Fortunes therunto, but as our Master shall command us.*

*Lastly, Know you, my Lord of Rothes, that the return of my old Friendship to you is to be expected, when I shall hear of your Renovation. Be simple my Lord Rothes, and not a Covenanter, and I shall be the same.*

Whitehall, March  
8th. 1679.

P. & M.

This day Alderman Garroway, Lord-Mayor of London, together with both the Sheriffs and Recorder, attended at the Council Board, his Majesty being present in Council. It was demanded of them, whether the City desired to proceed, and furnish out a Ship of their own, for his Majesty's Service, in defence of the Realm, in such manner and equipage, as by his Majesty's Writ directed to them in that behalf as was required? Or whether they rather desired to levy, and pay unto the Treasurer of the Navy, the Sum required by the Instructions sent them with the said Writ? But the Lord Mayor and Sheriffs humbly prayed, that his Majesty would be pleased to cause a Ship of his own to be provided and imployed for the said Service. Which favour desired, his Majesty was pleased to grant; and they undertook, that with all speed they would levy and pay in the Money to the Treasurer of the Navy, required by the said Writ.

*Sir John Finch, Knight, Lord Keeper of the Great Seal of England, his Speech in the Delivery of his Charge to all the Judges of the Kingdom, in the Star-Chamber, Feb. 13. 1639. by command from his Majesty.*

My Lords the Judges,

**T**HE Term is now done, the House of Justice is broken up; yet Justice goes not from us; for such is the Wisdom and Goodness of his Majesty, that all his Subjects may have Justice administered unto them in certainty, and with ease and equality. In Term-time they know where to find Justice; in the Circuits Justice findeth out them.

‘Your Lordships may know the great Trust, Power, and Authority, that is committed unto you; how the ancient and excellent Institution of Justice in Eyre is transmigrated into you; and it is a thing

Lord Keeper Finch his Speech to the Judges, to promote Ship-money in their Circuits.

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‘ thing will well become your Lordships, to uphold the Dignity of  
 ‘ your Places, and to preserve that due respect and reverence that is  
 ‘ owing unto you by virtue of your Places. It is Stoutness and Cou-  
 ‘ rage, and Magnanimity, that becomes a Magistrate, nay, should I  
 ‘ say Severity, I should agree with the saying of the Orator.

‘ There are some that affect Popularity, diving into the Peoples  
 ‘ Hearts with kisses, offerings, and fawnings. This becomes no sub-  
 ‘ ordinate Magistrate. It is your part, my Lords, to break the Inso-  
 ‘ lencies of such — before it approach too near the Royal Throne.  
 ‘ And you cannot too much uphold that Reverence and Respect that  
 ‘ is owing to your Places upon the Bench; when you shall give  
 ‘ an account of such as these that misbehave themselves, you, my  
 ‘ Lords the Judges, shall quickly see the Commission shall not be trou-  
 ‘ bled with them. The Officers, and all other Ministers of Justice,  
 ‘ are to attend you to this like purpose, to receive Information from  
 ‘ you. You shall do well to look to them, that they do not  
 ‘ oppress the People by unjust exaction and extortion; let them be  
 ‘ careful to look to the execution of Justice, for Execution is the Life  
 ‘ of the Law; for whosoever by wilfulness or negligence suffereth not  
 ‘ the Law to be put in execution, doth as much as in him lieth wound  
 ‘ the Law in the Life thereof. Sometimes Sheriffs and Under-Sheriffs  
 ‘ can hardly be got to execute any Process at all, or Extents, or *Cap.*  
 ‘ *Uilagatum*. They will look through their Fingers, and see when and  
 ‘ whom they please, sometime for reward, partiality, and affection, or  
 ‘ fear of offending Great Ones, or offending a Multitude. For this  
 ‘ they have no Plea; for in Law I am sure it was never known, that  
 ‘ it was admitted in Court of Justice for a good Return, that a Sheriff  
 ‘ could not execute a Writ, he having *Posse Comitatus* at his Command  
 ‘ to assist him, to the end that the Law may not be fruitless, and like a  
 ‘ dead Letter, but that vigor may be given unto it.

‘ While I am speaking of this, I cannot forget to put you in mind  
 ‘ of one Particular at least, if I may call it a Particular that doth con-  
 ‘ cern the general Safety and Preservation of the whole Kingdom. His  
 ‘ Majesty ever since his happy access to this Crown, hath had a vigilant  
 ‘ eye of our Neighbour’s Estates, and taken into his Princely Conside-  
 ‘ ration, out of the affection and love to his People, and tender care  
 ‘ of their Preservation, and the Safety of this Kingdom, how active  
 ‘ the times are; what preparation is made round about us; what en-  
 ‘ deavours there are to encrease their Naval Powers in other Nations.  
 ‘ It is known well, that the right of the Dominion of the Narrow-  
 ‘ Seas belong unto the King, and it hath been his Majesty’s gracious  
 ‘ Wisdom, and Providence, and Care over us, that these Storms have  
 ‘ been prevented, that perhaps had fallen upon us before we could  
 ‘ have discerned them. The King hath many eyes, many ears, and  
 ‘ many hands; and it is impossible for every Man to attain to that  
 ‘ knowledge of Foreign States that He hath. And I will be bold to  
 ‘ say, it is a base and unworthy part to suffer it to enter into the heart  
 ‘ of any Man, that we the Subjects of *England*, that have so just, gra-  
 ‘ cious, and pious a King, to imagin, that unless urgent Necessity did  
 ‘ require, that his Majesty would charge himself and his Subjects with-  
 ‘ out cause. All the World knoweth he reapeth no benefit by it, and  
 ‘ certainly it is a malignant humor to think the contrary. The Rega-  
 ‘ lity of it hath been already determined, upon as great, a solid and  
 ‘ weighty



weighty Debate, as ever was in any Cause in *Westminster-Hall*: It was his Majesty's goodness to have it so. And yet I know not how it comes about, I hope it is out of misapprehension, or false intimation put into the hearts of his People, that there is not alacrity and cheerfulness given to the obedience of his Majesty's Writs for Ship-money, that his affection and care of his People doth require. God forbid we should stay for provision of Naval Power, till our Enemies be floating upon us. Let them look to their Duties, I doubt not your Lordships will look to see that there be obedience given, and that those Officers that do neglect their Duties, may be brought to account, that they may know what the displeasure is to disobey his Majesty's Commands.

I shall not trouble your Lordships with many particulars, your Lordships better know them than I can tell you: yet something I have in command from his Majesty.

His Majesty (as all that know him) is the great example of Piety, and of one that daily frequents the House of God, as any Prince in the World; he doth instruct his own People his own way, and commands your care to put that Law in execution, that must bring Men to God's House; and when they are there, they shall learn to obey the Law for Conscience-sake, and not for by-respects. You know well that we have two kinds of Opposers of Religion, as it standeth, and against them it is fit you bend your Forces, and your Authority. And certainly, when we do consider that for these eighty years and upwards, we have enjoyed such Plenty and Peace, as no Nation hath had the like; what can we better attribute it unto, than the flourishing of the Gospel among us? And if we shall neglect that great Blessing, all other Blessings will quickly turn into Curses.

The Popish Recusants begin to increase, his Majesty taketh notice of it, he doubteth that there hath not that particular care been taken, in looking to them in all places of the Kingdom, as is fit; your Lordships attend Civil Causes more than that; he commends it to your care, that if it be so now, it be so no more. The Book of Common-Prayer setteth forth the Rights and Ceremonies, establishing the Doctrine of the Church of *England*, to which no just exception can be taken; for God loveth not to have his House empty or waste. Some, out of what humor I know not, will scarce admit of any Church at all. I wonder under what shew of Religion they can shew themselves, when this Book was penned by those that shed their Blood, and sealed it with their Lives.

My Lords, in the next place his Majesty hath commanded me to put you in mind of the great abuse that is in this Kingdom, by the swarming of Rogues, that hath been so often commended unto you, Your Lordships shall do well to take course for the suppressing and preventing thereof; and that Men of body and mind may be chosen Constables to execute their places. One great cause of their increase is, that the Houses of Correction, which is the place of their Retreat, are no better looked unto. Your Lordships shall do a great service to the Common-wealth, to take care that there be stricter Course taken of the Houses of Correction, that they may be placed near unto the Goal.

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‘ Another thing is, The excess of Ale-houses, the Nursery of Rogues ; in that your Lordships shall do well to take a strict account of them in all Places, for the very Number is a Crime.

‘ In the third place, The increase of Rogues is, by reason of their not putting out of Apprentices, the Seed-Plot of Rogues groweth from thence ; your Lordships care in this also will be very necessary.

‘ My Lords, I have nothing more to say, your Lordships are so well versed in every thing fit to be given in Charge, that I might be silent.

‘ I shall only conclude with one thing, which is a thing that hath bin by the Lords of this Court commended to your care, upon a Cause that hath bin here heard ; The Court for Sheriffs of Counties, it is not at their Will and Pleasure, or for their own Vanity and Ostentation that they are to conduct you, but it is out of their Duty ; and when the Discretion, and generous Disposition of any, shall not teach them how to do it, it is fit for you to call them to account.

‘ Justices of the Peace, you shall have of them that will the first day attend you for an hour or two, perhaps to save a Fine, perhaps to shew their Country they are in Commission of the Peace : Emptiness becomes not the Seat of Justice, therefore hold them to their Duty to attend you all the time of the Assizes, and not to depart without your Licence.

‘ The King our Master doth as well know Men as any Prince in the World, but it is impossible for him to know all ; you are the great Surveyors of the Kingdom, for this purpose it is that all Officers and Ministers of Justice are commanded to attend you, to inform you of such as you should have knowledge of, that you may inform his Majesty of them. I have observed (while I had the Honour to be Chief Justice of the *Common-Pleas*) that few gave their Attendance ; what humour they are of that think themselves too good to serve the King I know not, but let them know that it is in no Man’s choice whether he will serve the King in the Ministry of Justice or no. Those that are backward, or have not taken it, give up the Names of them, that they may see what punishment they shall undergo.

‘ There are some other Justices of Peace that are put in Commission, to injure their Neighbours, and to domineer over them, and to carry things with a Faction. But upon your intimation of such Persons, the Commission shall be eased of them also.

Warrant for a Commission for the Earl of *Northumberland* to be Lord Admiral, and Captain of the King’s Army.

**T**Wo Duplicates of a Commission, appointing *Algernoun Earl of Northumberland*, Lord High Admiral of England, Captain General of his Majesty’s Army to be raised in England and Wales, and of Men to be Levied there, or to be joined to or with them. And he is to employ and dispose the Army for Defences, or otherwise, as are or shall be directed by his Majesty’s Instructions, &c.

14 die Februarii, Anno Regni Caroli quintodecimo.

Per ipsum Regem.

J. F. C. S.



The Effect of the Earl of Northumberland's Commission.

Feb. 14.

**T**He King's Majesty reposing special Trust and Confidence in the approved Wisdom, Fidelity, Valour, and great Abilities of Algernon Earl of Northumberland, did by his Letters Patents grant a Commission to the said Algernon Earl of Northumberland, Lord High Admiral of England, to be Captain General of his Army, intended to be forthwith raised, and of all other Forces that should be raised in England and Wales, joined, or to be joined with them, to resist and withstand all Invasions, Tumults, Seditions, Conspiracies, or Attempts that may happen within England or Wales, to be made against the King's Person, Crown and Dignity. And also to lead the said Army into the Kingdom of Scotland, there to Invade, Assault, Repel, Resist, Fight with, Subdue, Slay, or Kill, all, every, or any Enemies or Rebels against the King, of what Nation soever, that in Scotland, or any part thereof, shall make any Insurrection, Sedition, Tumult, or Conspiracy whatsoever, against the King, his Crown and Dignity. And the said Army to Govern and Conduct, against all and singular Enemies, Rebels, Traytors, and all other attempting any thing against the King, within either of the said Kingdoms; and with the said Enemies, Rebels, Traytors, &c. to fight, and them to Invade, Resist, Repress, Pursue, and Follow, and to Subdue, Slay, and Kill, and to do all other acts and things which shall be in his discretion requisite, for government of the said Army, and for the suppressing and subduing of the said Rebels and Traytors, &c. and to exercise upon them Martial Law, according to his discretion, as Captain General; and to put execution of Death, or otherwise to punish such, or so many of them, as he shall think meet by his discretion; and to tender Mercy and Pardon to all such Enemies, &c. in either of the said Kingdoms, as shall submit and desire to be received to Mercy. And the King, by the said Commission, doth promise that such Persons shall accordingly enjoy his Grace, Mercy, and Pardon: And in case of Invasion of Enemies, Insurrections, &c. in any of the said Kingdoms, that the said Captain General do resist and repress the same by Battel, or other kind of Force; giving him Power to grant Warrants and Commissions to Lieutenants, and Deputy-Lieutenants, to raise such Horse and Foot to join with the Army, as he in his discretion shall think fit. And for the encouragement of fit and deserving Persons, the King, by the said Letters Patents, did give full Power and Authority to make Knights, and reward with the Honour of Knighthood, such as in his discretion shall deserve the same in the said Service, and to assign them Arms, and Ensigns of Arms, as he shall think meet, and as to the Estate of Captain General appertaineth; giving him Power to Command all Castles, Forts, and Castles in England and Scotland, and to place or displace any Captain or other Officer, as he shall see cause. And lastly, The King by the said Letters Patents, doth command all Lieutenants of Counties, Dukes, Marquesses, Earls, Vicounts, Barons, Baronets, Sheriffs, and all other Officers and Subjects of what degree soever, that they, with their Power and Servants, from time to time, as they shall be com-

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manded by the Captain General of the Army, to be Attendant, Aiding and Assisting in the due execution thereof, as they shall answer it at their Peril; and the said Army to be governed according to the said Commission, or by such Instructions as the King hath delivered under his Sign Manual, or shall be hereafter directed under the said Sign Manual, Signet, Privy Seal, or Great Seal.

Afterwards a Commission was granted to *Thomas* Lord Vicount *Wentworth*, Lord Lieutenant of *Ireland*, to be Lieutenant General to the Earl of *Northumberland*; who by reason of the Earl of *Northumberland*'s sickness at that time, had the sole Conduct of the Army till the Fight at *Newbourn*; and whilst the great Council of Peers continued at *York*, and till *Novemb. 11.* when he came to *London*, and was suddenly impeached of High-Treason.

*My Bagshaw, Reader of the Middle-Temple in Lent Vacation, his Case argued.*

‘ **I**N the Month of *February*, in the time of *Lent*, *Mr. Bagshaw*, Reader of the *Middle-Temple*, made choice of the Statute of 25 *Ed. 3. Cap. 7.* upon which he did read; and divided his Matter into several Parts, allotting a Case for every day on which he was to Read. Among which Cases so divided, being seven in all, one Question was, Whether or no it be a good Act of Parliament, without Assent of the Lord's Spiritual? Which he held in the Affirmative, and proved, That some Parliaments were held without any Bishops at all; and that divers Acts have bin made when they were present, and would not consent. And lastly, That the Bishops cannot sit in Case of Blood in Judicature; but they may sit to assist to Enact Laws, but not to give Assent for Execution of them in Case of any Blood.

‘ Out of his second Case this Question did arise, Whether any Beneficed Clerk were capable of Temporal Jurisdiction at the time of making that Law? Which he held in the Negative; for the first that ever were made Justices of Peace, or had Power in Temporal Jurisdictions, were the Bishops of *Durham* and *York*, nine Years after the said Act.

‘ But the Reader had no sooner made known upon what Statute he would read, in his said previous Discourse which he made unto the Bench, the first day when he began to read thereupon; but it was presently carried to *Lambeth-House*, and the Bishop of *Canterbury* made acquainted upon what Points the Reader would insist. The King thereupon sent a Command unto him to forbear his Reading at that time. And the Reader was privately told, unless he did repair to the Arch-Bishop of *Canterbury* and give him satisfaction, he was not like to proceed. The Reader accordingly repaired to *Lambeth-House*, and at the third time he had admittance. The Arch-Bishop told him, That he had fallen upon an unfit Subject, and in an unreasonable Time, and that it would stick closer to him than he was aware of.

‘ To which the Reader replied, He had made choice of that Statute some years since, to prepare himself against the time of his Reading, and



and that at that time there was no oppositon in this Kingdom against the Prelacy ; and what was done in another Kingdom as to Bishops, concerned not this Kingdom ; and further said, That what he had delivered was good Law, and he was able to maintain it, and would stand by it ; and he had much wronged the House of the *Middle-Temple*, if he had not, according to his Turn and Custom, began his Reading, which was very chargeable to the Reader. But he could obtain no leave to proceed further in the Argument of his Cases of Law.

Nevertheless the Gentlemen of the *Inns of Court* of the *Middle-Temple*, shewed their respect unto him for his willingness to read Law unto them, having also Read well in the Kitchen, feasting the House during the time he staid (though a silenced Reader) and rid on Horse-back with him, and attended him gracefully out of Town.

In this month of *February* the Earl of *Sterling*, Secretary of State, died ; in whose place the King made choice of Marquess *Hamilton's* Brother, Lord *William*, whom he created Earl of *Lanerick*, who was then but 24 Years of Age, yet well qualified, and of good Parts.

15 Caroli.

Lord William Hamilton made Secretary of State for Scotland.

THIS day a Letter from Sir *Christopher Telverton*, High-Sheriff of the County of *Northampton*, with a Paper enclosed, being a Copy under the Hand of the Clerk of the Peace, of a Presentment made by the Grand Jury at a Quarter-Sessions concerning the *Ship-Money*, were read at the Board, and then delivered to Mr. Attorney-General ; and it was ordered, that he and Mr. Solicitor should call before them the Clerk of the Peace, and the Fore-man of the said Grand-Jury, and should examine all such Particulars concerning the Carriage of this Business, as they should think fit, and thereupon report the same, together with their Opinions, to the Board.

Ship-Money presented by the Grand Jury as a Grievance.

### A Letter directed to the Lord Lieutenants of *Surrey*.

After, &c. to your Lordships. Whereas we are informed by Sir John Lenthal Knight, Marshal of the King's Bench, That the Prisoners under his charge, within that Prison, are now, and have bin all last night, in an Uproar and Mutiny, and have gotten to themselves divers Staves and Cudgels, and have broken up the Pavements of the Prison, and have furnished and armed themselves with Stones and Brick-bats, and do threaten to force and break open the Prison. These are therefore to pray and require your Lordships, the Lords Lieutenants of the County of *Surrey*, or one of you, to give present Order and Command to the Captains of the Trained Bands, within the Burrough of *Southwark*, to repair with their Officers and Souldiers presently to the said Prison, and to suppress the said Mutineers, and to keep them in quiet from time to time, until the Judge of the King's Bench shall return to take Order about their pretended Grievances. And so, &c. dated the 11th of March, 1639.

Concerning the Mutineers in the King's Bench.

Signed,

|                                         |                                  |
|-----------------------------------------|----------------------------------|
| Lord Arch-Bishop of <i>Canterbury</i> . | Earl of <i>Dorset</i> .          |
| Lord Treasurer.                         | Lord <i>Cottingham</i> .         |
| Marquess <i>Hamilton</i> .              | Mr. Treasurer.                   |
| Lord High Admiral.                      | Mr. Secretary <i>Windebank</i> . |

M m m m m m 2

A

An. 1639.

*A Letter to Sir Christopher Yelverton, concerning Ship-Money, from the Privy-Council.*

**W**E have had the patience to read your tedious Letter of the 18th of February, wherein with much affectation you represent the Difficulties which you find in the execution of the King's Writ for the Shipping-Business; and yet there is none of the Difficulties for which you have not already received direction how to proceed by your Instructions. We have considered of the Petition of the Grand Jury, very officiously by you sent up, attested under the Hand of the Clerk of the Peace. And upon the whole we make this Judgment, That instead of doing your duty in executing of the Writ, you endeavour to prepare a way for an excuse for doing nothing. Otherwise why should you make a Doubt by a Parenthesis, (if Ship-money be excepted against): for we must let you know, We expect that you should perform the Service according to the Writ, and the Instructions sent therewith; and in case you neglect it, and so be the cause (for so much as concerns that County) that the King shall suffer in point of State and Honour, and of the safety of his People, that there will be a quick and exemplary reparation required of you, in proportion to the dangerous Consequence of your neglect. And as we now give you this Admonition, so if you do not make use thereof by redeeming your former Default, not by Discourses, but by Effects, this will likewise be added to your account. And so, &c. Dated at Whitehall the 11th of March, 1639.

Signed,

Lord Arch-Bp of Canterbury.  
Lord Keeper.  
Lord Treasurer.  
Lord Chamberlain.  
Earl of Holland.

Earl of Traquair.  
Lord Goring.  
Lord Cottington.  
Lord Newburgh.  
Mr. Treasurer.

*The Proceedings of the Scots Commissioners, sent from the Parliament of Scotland, with the King's Majesty at Whitehall.*

**S**O soon as our Commissioners got presence, and had the honour to kiss his Majesty's Hand, they did in all humility represent to his Majesty how grievous it was to his Subjects of that of his Ancient and Native Kingdom that their Loyalty should be call'd in Question, or that their Proceedings should be traduced as trenching upon his Majesty's Authority, or as contrary to the Laws; and craved a publick hearing before his Majesty's Council of both Kingdoms, for clearing the lawfulness of their Proceedings, and vindicating them from the unjust Aspersions laid upon them by sinister information, and that relation publicly made by the Earl of Traquair, before the whole Council of England, to their prejudice; and did likewise deliver to his Majesty a Thanksgiving from the General Assembly, containing in it a Supplication for Ratifying the Conclusions thereof. This Speech was delivered upon the 20th of February, (English-style) 1639. The



‘ The King hereupon commanded, That whatsoever they had to Remonstrate or Petition to him, they should present the same to him in Writing, and that he would signify his Pleasure to them by the Earl of *Traquair* ; whereupon they gave a Remonstrance or Supplication following.

‘ Upon the 26th of *February*, the Earl of *Traquair* did shew our Commissioners, That it was his Majesty’s Pleasure, that they should subscribe the two former Petitions, given in the 20th day by them to his Majesty, and that they should keep the same way thereafter in all Petitions that should be presented by them to his Majesty ; which accordingly they did. And they required the Earl of *Traquair* to write and subscribe any Direction or Commandment he brought from the King to them ; which he did.

‘ Upon the second of *March*, the Earl of *Traquair* did signify to them, under his Hand, That it was his Majesty’s Pleasure that they should attend at the Council-Chamber the next day, at two of the Clock in the Afternoon, such Lords of the Council as his Majesty had appointed for that effect. And our Commissioners understanding that the King was going to *Hampton-Court*, and that the Hearing he had appointed for them, was only before some of his Council, specially selected and appointed as a Committee for that purpose ; but being enjoined by their Instructions, not to answer or acknowledge any Committee, nor other Judicatory ; they desired the Marquess of *Hamilton* to shew his Majesty, that they would decline to propound their Desires and Reasons of their Demands, or make answer to the Committee, or any other whatsoever, except the King their Master, to whom they were sent. Which being made known to his Majesty, he was graciously pleased to delay his going to *Hampton-Court* till the Afternoon, and did hear our Commissioners himself : In whose Royal Presence and Audience (his Majesty having his Committee with him) our Commissioners did clear us and our Proceedings from those unjust Aspersions laid upon us, and did shew what high estimation we had of Sovereignty, and our constant Resolution to stand to the Defence of our Religion. And that our Desires, both in Matter and Manner, are no other but what we did crave in our former Petitions, and are necessary for establishing of Religion, and the good Peace of the Kingdom, and are agreeable to the Fundamental Laws, and Laudable Practices thereof, and to the Articles of Pacification, without wronging the Kirk or State, or any ways trenching upon his Majesty’s Princely Power and Royal Authority : And did therefore crave, that He would be graciously pleased to command the Parliament to proceed and determine for Ratifying of the Conclusions of the Assembly, and Enact such other Statutes as are necessary for establishing Religion, and settling the Peace of the Kingdom, as their Speech then spoken (and afterwards given in Writing,) doth import, as followeth.

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*The Speech made to the King by the Lord Loudon.*

S I R,

AS we did shew in that humble *Remonstrance* which we gave to  
 your Majesty in Writ, That no earthly Thing could be more  
 grievous to your Majesty's Subjects, convened by your Royal Au-  
 thority in the Parliament of *Scotland*, than that their Loyalty should  
 be call'd in question, or any such hard Impressions should be given  
 against their Proceedings, as might derogate from that high estima-  
 tion which they have of Sovereignty, and the tender respect they  
 carry to your Majesty's inviolable Authority : So do we acknow-  
 ledg your Majesty's Goodness and Justice, in keeping one Ear for us  
 against all Suggestions and Obloquies, till the Reasons of our Pro-  
 ceedings and Demands were made known from our selves ; And  
 that your Majesty is graciously pleased to grant us this favour, of a  
 full and publick Hearing. But because the Parliament of that your  
 Majesty's Ancient and Native Kingdom, is Independent, and not ac-  
 countable to any other Judicature, we hope your Majesty will pardon,  
 and allow us to decline to speak, or answer before any of your  
 Majesty's Council, or other Judicatures whatsoever, as those who  
 have not any Power to judg of the Laws, Actions, or Proceedings of  
 the Parliament of that Kingdom. And as we acknowledg your Majesty's  
 favour in allowing us to tender the Liberties and Freedom of your  
 Majesty's Ancient and Native Kingdom ; so are we glad before all  
 the World, to clear the loyalty and lawfulness of their Proceedings,  
 and do congratulate that your Majesty hath Indicted a Parliament  
 here, which we hope will advert to the good of Religion, your Ma-  
 jesty's Honour, and Peace of your Dominions : Albeit they be not  
 Judges to determine of our Actions, (which are such, as when they  
 shall be known to your Majesty, not upon Report, but upon true  
 Trial, we are most confident will merit approbation at the Throne  
 of your Majesty's Justice) : But because we hear that your Majesty's  
 good Subjects are traduced, as having intention to diminish your  
 Majesty's Authority, and shake off that civil and dutiful Obedience  
 due to Sovereignty : Therefore before we descend to the particular  
 Actions and Articles of the Parliament, for vindicating us from  
 so grievous and foul an Imputation, we do in our Name, and  
 in the Name of the Parliament that sent us, declare before God and  
 the World, That we never had nor have any such thought of with-  
 drawing our selves from that humble and dutiful Subjection and  
 Obedience to your Majesty and your Government, which by the  
 Descent and Raign, of so many Kings is due to your Majesty ; and  
 never had nor have any intent or desire to attempt any thing that may  
 tend to the diminishing of your Majesty's Princely Power ; but on the  
 contrary, we acknowledg our Quietness, Stability, and Happiness,  
 to depend upon the safety of your Majesty's Person, and mainte-  
 nance of your Greatness and Royal Authority, as God's Vicegerent  
 set over us for maintenance of Religion, and Administration of Ju-  
 stice ; and have solemnly sworn, not only to stand to the Defence  
 of your Majesty's Person and Authority in the preservation and  
 defence



‘ defence of Religion, Liberties, and Laws of the Kirk and Kingdom ;  
 ‘ but also in every Cause which may concern your Majesty’s Honour,  
 ‘ shall according to the Laws of the Kingdom, and duty of good Sub-  
 ‘ jects, concur with our Friends, in quiet manner, or in Arms, as we  
 ‘ shall be required. But if any be so wicked, as to seek occasion to  
 ‘ divide betwixt your Majesty and your Kingdom, and for their own  
 ‘ ends go about to prostitute the purity of Religion, and the Liberties  
 ‘ and Laws of that your Majesty’s Ancient and Native Kingdom ; we  
 ‘ can give them no other character, but that which your Majesty’s  
 ‘ Father of blessed memory gave them, terming such Men, *Vipers and*  
 ‘ *Pests against the King and his Kingdom.* And if it please God for  
 ‘ our Sins, to make our condition so deplorable, as they may get the  
 ‘ shadow of your Majesty’s Authority, (as we hope in God they  
 ‘ will not) to palliate their ends, then as those, who are sworn to defend  
 ‘ our Religion, our recourse must be only to the God of *Jacob* for our  
 ‘ refuge, who is *Lord of Lords, and King of Kings, and by whom*  
 ‘ *Kings do reign, and Princes decree Justice.* And if in speaking thus  
 ‘ out of zeal to Religion, and the Duty we owe to our Country, and  
 ‘ that Charge which is laid upon us, any thing hath escaped us, since  
 ‘ it is spoken from the sincerity of our Hearts, we fall down at your  
 ‘ Majesty’s feet, humbly craving pardon for our freedom.

‘ Having thus, with your Majesty’s permission, cleared the Loyalty  
 ‘ of your Subjects, that we may next shew the reason of their Demands,  
 ‘ and equity of their Proceeding in Parliament, we do first crave,  
 ‘ That if our Answers cannot give plenary satisfaction to the Objecti-  
 ‘ ons and Exceptions that shall be made against their Proceedings, that  
 ‘ our not knowing of those Objections (albeit we did often require  
 ‘ your Majesty’s Commissioner to shew the same, that we might be the  
 ‘ more able to give your Majesty content ; yet being still concealed  
 ‘ from us, and the Records and Registers of Parliament also still kept  
 ‘ from us, ) may serve much for our excuse. And if any the Propo-  
 ‘ sitions and Articles sought and craved in Parliament, shall seem harsh  
 ‘ at the first view to such as know not our Laws, that we do expect  
 ‘ from them the Judgment of Charity, who ought (rather than to  
 ‘ pass a rash Censure upon us ) to profess *Ignorantiam juris & facti*  
 ‘ *alieni* ; and that they would distinguish betwixt the Desires and Acti-  
 ‘ ons of a Parliament, who (being convened by Royal Authority,  
 ‘ and honoured with your Majesty’s or your Commissioner’s presence,)  
 ‘ are makers of Laws, against whom there is no Law ; and the Acti-  
 ‘ ons of private Persons, against whom Laws are made.

‘ And as the Desires of the Subjects are no other in the matter, but  
 ‘ what they did humbly crave in their former Petitions, and are ne-  
 ‘ cessary for establishing of Religion, and the Good and Peace of the  
 ‘ Kingdom, which can never oppugn the King’s Honour, and are  
 ‘ agreeable to the Articles of Pacification ; so in like manner they are  
 ‘ agreeable to the Laws and Practices of that Kingdom.

‘ And to descend more specially ; All the Articles given in are either  
 ‘ such as concern private Subjects, such as are for Manufactures, Mer-  
 ‘ chants Trading, and others of that kind ; which do not so much  
 ‘ concern your Majesty, or the Publick, as the Interest of private  
 ‘ Men, which are but *minima, & de minimis non curat Lex* : Or they  
 ‘ are Publick Acts, which do concern the Religion and Liberties of  
 ‘ the Kirk and Kingdom ; as the *ratifying of the Conclusions of the*  
 ‘ *Assem-*

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‘ *Assembly, the Act of Constitution of Parliaments, the Act of Recision, the Act against Popery, and others of that kind.* Wherein, because the eyes of the World were upon them, and that hard Constructions have been made of their Proceedings, and that Malice is prompted for her Obloquies, and waiteth on with open mouth to snatch at the smallest shadow of dis-respect to your Majesty, that our Proceedings may be made odious to such as know them not, we have endeavoured to walk with that tenderness which becometh dutiful Subjects, who are desirous to limit themselves according to Reason, and the rule of Law.

‘ For the better understanding whereof, we must distinguish betwixt *Regnum constituendum*, and *Regnum constitutum*, a Kingdom before it be settled, and a Kingdom which is established by Laws. Wherein (as good Subjects esteem it their greatest glory) to maintain the Honour and lawful Authority of their King; so good Kings, (as your Majesty’s Father of ever blessed memory affirms, holding that Maxim, that *Salus Populi est suprema Lex*,) will be content to govern their Subjects according to the Law of God, and fundamental Laws of their Kingdom.

‘ Next we must distinguish betwixt the Kirk and State, betwixt the Ecclesiastick and Civil Power, both which are materially one, yet formally they are contra-distinct in Power, Jurisdiction, Laws, Bodies, Ends, Offices, and in Officers. And albeit the Kirk and Ecclesiastick Assemblies thereof, be formally different and contra-distinct from the Parliament, and Civil Judicatories; yet there is so strict and necessary conjunction betwixt the Ecclesiastick and Civil Jurisdiction, betwixt Religion and Justice, as the one cannot firmly subsist and be preserv’d without the other; and therefore like *Hippocrates’s* Twins, they must stand and fall, live and die together. Which made us all in our Petitions to your Majesty, who is *Custos utriusque Tabula*, to crave, that as Matters Ecclesiastical be determined by the General and other Assemblies of the Kirk, and Matters Civil by Parliament; so specially to crave, that the Sanction of the Civil Law should be added to the Ecclesiastical Conclusions and Constitutions of the Kirk and her Assemblies, lest there should be any repugnancy betwixt the Ecclesiastick and Civil Laws, which your Majesty did graciously condescend unto. And your Majesty’s Commissioner representing your Majesty’s Royal Power and Person, in the General Assembly, wherein the whole Congregations and Parishes in *Scotland* are represented, upon diligent enquiry, finding that all those Evils which troubled the Kirk and Kingdom, proceeded from the Prelates, consented that Episcopacy be removed out of the Kirk of *Scotland*, and declared, that all Civil Places of Kirk-men to be unlawful in that Kingdom; and having ratified the *Covenant*, ordaining all the Subjects to subscribe the same, with the *General Assembly’s Explanation* in that sense. And being also obliged to ratify the Conclusions of the Assembly in Parliament, it doth necessarily follow, that Bishops who usurped to be the Kirk, and in the name of the Kirk, did represent the third Estate; and that all Abbats, Priors, and others, who either did or do claim to represent the Kirk, be taken away. Which also by necessary consequence doth infer, that there must be an Act of Constitution of the Parliament without them, and an Act for repealing the former Laws, whereby the Kirk being declared the third Estate, and

‘ Bishops



‘ Bishops to represent the Kirk ; both which the Kirk hath now re-  
 ‘ nounced and condemned. So that unless the Act of Constitution of  
 ‘ the Parliament, and Act of Recifory pass, it is impossible either to  
 ‘ have a valid Parliament, or to ratify the Conclusions of the Assembly,  
 ‘ which your Majesty hath graciously promised to perform, and which  
 ‘ your Subjects are obliged to maintain.

‘ And seeing your Majesty’s Subjects have no other ends, but such  
 ‘ as may serve for establishing of Religion, and Peace of the Kingdom,  
 ‘ and are agreeable to the fundamental Laws thereof, and to the Ar-  
 ‘ ticles of Pacification ; and that the Parliament is the only lawful  
 ‘ means to remedy our Evils, remove our Distractions, and settle a  
 ‘ solid and perfect Peace: The sum of your Subjects desire is, That  
 ‘ your Majesty may be graciously pleased to command the Parliament  
 ‘ to proceed freely in those Articles given in to them, and to deter-  
 ‘ mine them. And whatsoever Objections or Informations are made  
 ‘ against any of the particular Overtures, Articles, or Proceedings  
 ‘ of the Parliament, we are most willing and desirous, according to  
 ‘ your Majesty’s Commandment, for avoiding contestation about words,  
 ‘ to receive the same in writ ; and are content in the same way to re-  
 ‘ turn our Answers, and humble Desires.

IX. *Martii.*

‘ When we came again before the King, his Majesty said, we knew  
 ‘ where we left the last day, concerning our Instructions.

‘ It was answered, That according to his Majesty’s Command we  
 ‘ had brought our Instructions with us ; but first we desired two  
 ‘ things of his Majesty.

‘ The first was, That albeit his Majesty might have any with him to  
 ‘ hear us, and to ask their advice ; yet his Majesty would pardon us in  
 ‘ declining to answer before any, as Judges of our Proceedings in Par-  
 ‘ liament ; and that we would answer none of their Questions. This  
 ‘ his Majesty was pleased to admit, but said, He would crave their  
 ‘ Opinions.

‘ The second request was, That because the last day some did write  
 ‘ as we spake, and for that the writing of a word only of a Sentence,  
 ‘ or a sentence only of a speech, might admit of a wrong construction,  
 ‘ and wrest the meaning of the Speaker ; therefore that nothing spo-  
 ‘ ken by us, and put in writ by any there present, should be of any  
 ‘ faith or credit against us, unless it be first read unto us, and we allow  
 ‘ of it. Otherwise we would disclaim it, and would rather give all  
 ‘ that we should speak in writing, upon condition that if his Majesty  
 ‘ should take exceptions at any thing therein contained, we might have  
 ‘ liberty to interpret our own meaning, because *unusquisque est optimus*  
 ‘ *Interpres sui* ; and thereupon we delivered his Majesty a Copy of  
 ‘ what was spoken the day before.

‘ Whereupon it was answered, That it was an ordinary custom in  
 ‘ Star-chamber, and other Judicatures, that where the King was sit-  
 ‘ ting, several Men did write, especially the King’s Secretaries.

‘ To this we replied, That we were not now before any Judicatory,  
 ‘ and we would adhere to no Man’s writ but our own, or that we  
 ‘ did approve of. His Majesty then said, that nothing which was  
 ‘ written should be used to tie us, except it were first read unto us,  
 ‘ and we approved of it.



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‘ When we had shewed his Majesty our Instructions, he gave them us again to read. Which being read, notice was taken who had subscribed them, and of their Names written; and it was objected, that there were only some few Noblemens hands at them, and some few Gentlemen and Burgesſes; and that the Noblemen of prime places and antiquity had not subscribed, as *Argile, Rothes, Montroſe, Marshal, &c.* and that those who had subscribed them were all but Noblemen of the King’s own creation, save *Balmerino*, who held his Life and Head of the King.

‘ It was answered, That those Instructions were warranted by the Parliament, and were relative to former Instructions given to the Earl of *Dumfermling*, and Lord *London*, which were subscribed by a great many Noblemen, Gentlemen, and Burgesſes, who were present at that time when the Parliament was sitting; and their last Instructions were subscribed by those Noblemen and others, who were Commissioners appointed by the Parliament, to make Remonstrances to his Majesty, and receive their Answers. Which was done with consent of the whole Parliament, and had a more formal Power than if they had been subscribed by the other Noblemen, then not sitting in Parliament. His Majesty hereupon desired to see the former Instructions, subscribed by the other Noblemen; which we did then shew him. And after he had seen the same, he urged us to shew the Warrant given by the Parliament to those who subscribed our last Instructions; which we told him was not about us: the King required to see it at the first opportunity, which we did accordingly.

‘ The King then asked us, as he did the former day, What power we had to give him satisfaction? for our Instructions were only for justifying and not satisfying; and that he dealt with us on very unequal terms, having power to satisfy us. And albeit he could make it appear, that some of our desires and proceedings in Parliament were not agreeable to Law, yet we had not power in any wise to yeeld in any point to give him any satisfaction.

‘ Whereunto it was answered, That as the Parliament had no other desires, but what is contained in our Petitions, nor no other ends, but such as might serve for establishing of Religion, and the Good and Peace of the Kingdom; so had they given us full power to clear, that their Desires and Proceedings were agreeable to the Fundamental Laws and Practices of the Kingdom, and to the Articles of Pacification. And that accordingly we were ready to clear their Proceedings were agreeable to Law and Reason. And that there was no necessity of a further power from the Parliament, until we knew what exceptions and objections would be made against it. Neither was it likely that the Parliament would divolve their full decisive Power (which was proper to themselves) to any other, by way of reference, and deprive themselves of their Parliamentary Privileges and Right. Neither was there any but necessary Acts, and such as conduced to the Peace of the Kirk and Kingdom, and were agreeable to the Fundamental Laws thereof, and such as the King was obliged to ratify by the Articles of Pacification.

‘ Hereupon the Arch-Bishop of *Canterbury* (admitting what was granted by the King, and acknowledged by them, *viz.* That the King was not in Judicature, nor they to speak in any sort as Judges, but



‘but only as those whom his Majesty had required to hear and give their Opinion) desired his Majesty to enquire of us, that seeing we did aver, That all our Desires and Proceedings were agreeable to the Laws and Customs of that Kingdom, (which could be no other than the present Statutes of that Kingdom), how could the same consist with the other part of our Desires, whereby we craved present standing Laws to be Repealed? And where we said his Majesty was obliged to Ratify the Conclusions of the *Assembly*, was only but a *Parenthesis*, and said, It was more than he believed, that his Majesty was bound to Ratify the Conclusions of the *Assembly*. And then he said to the King, Sir, I think your Majesty hath not obliged your self to take away the present standing Laws.

‘To this we answered, That there was no repugnancy betwixt these two Assertions, *viz.* That our Desires were agreeable to the Fundamental Laws, and yet that we craved, That the Acts which were repugnant to the Conclusions of the *Assembly* should be Repealed; for both could very well consist: because, as it was competent to the Parliament to make Laws and Statutes for the good of the Church and State; so it was proper for them to Repeal all Laws contrary thereunto. And for that which you call the *Parenthesis*, of the King’s being obliged to ratify the Conclusions of the *Assembly*; We do not speak it by way of Supposition, but do positively affirm, That his Majesty is obliged to Ratify the Constitutions of the *Assembly*.

‘The Arch-Bishop replied, That he hoped that we thought him not so gross nor ignorant, but he knew that the Parliament had Power as well to repeal Laws, as to make Statutes, *pro ratione & distinctione temporum*; but his Objection was, How it was possible? how our Desires were agreeable to the Laws? and yet craved standing Laws to be repealed, by Reason of the Acts and Conclusions of the *Assembly*, *ex consequenti*. For if the Clergy of England being now call’d to their *Convocation-House* at the time of this Parliament, should take upon them to Anul and Repeal Acts of Parliament, his Majesty might easily consider what great Confusion and Danger would follow.

‘To which was answered, That by reasoning his Objection, he gave no further strength to his Argument than it had before, and which was sufficiently answered; but only now he added, That Acts of Parliament could not fall because of the Acts of the *Assembly*, *ex consequenti*, which he would prove by an Instance of Comparison, between the *Convocation-House* & the Parliament of England. For answer whereof it was replied, That it did necessarily follow, that Acts of Parliament, which depend upon Acts and Conclusions of the *Assembly*, must fall and be repealed when the *Assembly* had reduced, repealed, and annulled the Acts of the *Assembly*, whereof those Acts of Parliament were but Ratificatory, and depended upon the Acts of the *Assembly*; because *sublata causa tollitur effectus, & accessarium sequitur suum principale*. And as for the Instance concerning the *Convocation-House*, which did only consist of Prelats, and some of the Clergy, it was of a far different nature from our *General Assembly*, where his Majesty or his Commissioner sit, and where the whole Congregations and Parishes of the Kingdom were represented by their Commissioners from Presbyteries; so that what was done by



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‘ them, was done by the whole Church and Kingdom, and so ought  
 ‘ to be allowed in Parliament: Therefore there could be no such In-  
 ‘ ference thereof made of any such dangerous Consequence, as if the  
 ‘ *Convocation-House* (which consisted only of Prelats, and some of  
 ‘ the Clergy) should change Religion, or take away Acts of Parlia-  
 ‘ ment made by the whole Estates of the Kingdom.

‘ The Arch-Bishop replied, That their *Convocation-House* was as  
 ‘ eminent a Judicature as ours, and ought not to be so slighted: That  
 ‘ the Clergy and himself had bin a long time Members of the Parlia-  
 ‘ ment; and that neither the *English*, nor no Reformed Church, had  
 ‘ Laick Elders as we had in our Assemblies, and protested he should  
 ‘ lose his life before they should have them.

‘ It was answered, That we were not meddling, nor would have spo-  
 ‘ ken of their *Convocation-House*, unless he had mentioned it himself;  
 ‘ and that it was a gross mistake of any that conceived Laicks were  
 ‘ Members of the Assembly; but that the Office of Elders was Eccle-  
 ‘ siastick, and as Orthodox and agreeable to Scripture, as any Order  
 ‘ they had in the *Convocation-House*: But we were only clearing the  
 ‘ Power of our own General Assembly, and of the Equity and De-  
 ‘ sires of the Parliament: And that as the Acts of the *Assembly* had  
 ‘ repealed and taken away the former Acts of *Assemblies*, which did  
 ‘ take away the Acts of Parliament, ratifying those Acts *ex conse-*  
 ‘ *quenti*; so we craved, That the Acts of Parliament it self might  
 ‘ Repeal the Acts of Parliament which now had no force, and so  
 ‘ ought to be repealed.

‘ The Earl of *Traquair* said, That all the Acts given into the *Arti-*  
 ‘ *cles*, were not consented unto by the whole Estates and Subjects, but  
 ‘ that in some of them they were of a different Judgment among  
 ‘ themselves, and that he hoped we would not stick in some things to  
 ‘ yield to the King for his Majesty’s Satisfaction; but if we stood to  
 ‘ justify all, the King had the more reason to crave from whom they  
 ‘ had Warrant so to do.

‘ To which it was answered, That he knew very well that all was  
 ‘ not stood upon, for there were divers things past in *Articles*, some  
 ‘ of them to be consulted with the King; and what was stuck upon,  
 ‘ was upon good Reason: Besides, every thing done in *Articles* were  
 ‘ not enacted Statutes, but only Propositions prepared for the Parlia-  
 ‘ ment; and it was sufficient, if there were so much Law and Rea-  
 ‘ son for those Propositions, as merited the consideration of the Par-  
 ‘ liament: but we told them, That we desired rather to answer such  
 ‘ Objections in Writ, than Verbally.

‘ The King having thus long debated and objected against the Suffi-  
 ‘ ciency of our Power, made us remove to the next Room; and af-  
 ‘ ter advisement taken, we were call’d in again, and told, That albe-  
 ‘ it his Majesty in his own Judgment, as in the unanimous Judgment  
 ‘ of those that were with him, conceived we had no Power to give  
 ‘ him Satisfaction, yet he was pleased to hear the particular Reasons of  
 ‘ our Demands. We replied, That our Demands were only, that  
 ‘ the Parliament might proceed and ratify the Conclusions of the *As-*  
 ‘ *sembly*, and to determine all the *Articles* given in unto them, as be-  
 ‘ ing agreeable to the Laws of the Land, and *Articles of Pacification*.  
 ‘ And if any Objections were made, they would answer them in  
 ‘ Writing. The King said, It behoved his Commissioner to give the  
 ‘ Objections,



Objections. We answered, That we knew his Lordship might give them presently, and we would answer them again the next day; but they refused to give them till the morning. This we told them was a protracting of time, and would force us to crave a time to return our Answers.

15 Caroli.

*Here followeth the Objections and Answers.*

*Question.*

Whether are you Warranted or Instructed from Parliament to satisfy his Majesty, anent the Power of Prorogation of Parliaments of himself, and of his own Prerogative simply? And whether a Parliament thus Prorogued simply by his own sole Royal Power, can or may sit before the time to which his Majesty hath Prorogued the same? And if you have no Warrant nor Instruction herein from the Parliament, What are your own private Judgments herein?

*Answer.*

I. As our Power and Instructions from the Parliament do warrant us to shew, That their Proceedings and Desires are agreeable to the Laws and Practice of the Kingdom, and to the *Articles of Pacification*: So are we particularly enjoined to answer all Objections which either may be propounded, or which they conceived could be propounded, against the Acts and Proceedings of the Parliament. And as concerning any other Question, which was not moved in Parliament, nor is against the Articles and Propositions given in to them; as the same did not fall within the Consideration of the Parliament, so neither can it come within the compass of our Instructions, as that whereunto we have Warrant to answer. It is also to be understood, that the Propositions and Acts given in to the Lords of the *Articles*, are not Statutes, but are only propounded and given in to them to be prepared for the Parliament, that the Parliament may enact or refuse the same as they shall find them expedient or inexpedient, for the good of the Church and State.

And as concerning the Query anent the Prorogation of the Parliament, We are warranted by our Instructions and Informations to shew, That the Prorogation of the Parliaments of that Kingdom, being once Convened in plain Parliament, and having chosen the Lords of *Articles*, or entred on Actions, hath ever bin done with the consent of the three Estates; as may be seen in the Reigns of King James 6. Queen Mary, King James 5. King James 4. King James 3. King James 2. King James 1. and so forth, in all the Printed and Written Records of Parliament; and they are confident that your Majesty will be graciously pleased to keep that same Form and Order of Prorogation of Parliaments, which all your most Worthy and Royal Ancestors did: Neither did the Parliament expect that your Majesty (who did graciously grant this Parliament for establishing of Religion, Ratifying the Conclusions of the *Assembly*, and settling the Peace, and hath accordingly given an ample Power, under your Majesty's Broad Seal, *pro retentione & observatione Parliamenti*, without any Power, or Clause of Prorogation or delay) would require this Parliament to be Prorogued without consent

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‘ consent of the Estates of Parliament, until those things were per-  
 ‘ formed, which your Majesty was graciously pleased to condescend  
 ‘ unto.

*Object.* ‘ And where it may be objected, That a Parliament was  
 ‘ Prorogued *de Mandato Regis*.

*Answ.* ‘ It is answered, That only proves the Denomination of the  
 ‘ Act to be taken from the King, but doth no ways prove, that the  
 ‘ Act was made without consent of the Estates, no more than that Act  
 ‘ of Parliament holden at *Edinburgh, Junii 28. 1450. An. 3. Ju. 2.*  
 ‘ *fo. 33.* expressing, That *the three Estates did continue the Parliament*  
 ‘ *without naming the King*, will infer, That the Estates wanted the  
 ‘ King’s Consent; for it is usual that the Denomination of Parlia-  
 ‘ ments be taken sometimes from the King only, sometimes from the  
 ‘ three Estates, and sometimes from both; and in that the Proroga-  
 ‘ tion was done by Act of Parliament, it is enough it be done with  
 ‘ consent of the three Estates. Also the Letter written by King  
 ‘ *James the 6th* to the Lord *Balmerino*, his Majesty’s Secretary in the  
 ‘ Parliament, *May 1604.* expressing, That *seeing the Parliament of*  
 ‘ *England was continued, therefore the States should continue the Parlia-*  
 ‘ *ment of Scotland*, which they did. And this doth evince, that the  
 ‘ Parliaments were still continued with the consent of the three  
 ‘ Estates.

‘ And having thus (according to our Instructions given us) shewn  
 ‘ the Judgment of the Parliament (whose Language and Mind we  
 ‘ ought now to speak, and not our own private Opinions) concern-  
 ‘ ing the Form and Order of Prorogation, which hath bin constantly  
 ‘ observed in all preceding Parliaments; We do so much tender your  
 ‘ Majesty’s Royal Power and Lawful Authority, (which we have  
 ‘ sworn never to diminish) as we neither do nor will presume to ex-  
 ‘ ceed our Instructions to define what your Majesty may do in the  
 ‘ height of your Power: for to dispute *à posse ad esse*, is both against  
 ‘ Law and Divinity; and whatsoever your Majesty may do in the  
 ‘ height of your Power, We hope that your Majesty will ever be gra-  
 ‘ ciously pleased to Rule your Subjects according to Law; the conti-  
 ‘ nual practice whereof we have shewn in this Point, neither know  
 ‘ We any former Law or Practice to the contrary; and if any Man  
 ‘ hath informed your Majesty, or affirmed that it is otherways, *affir-*  
 ‘ *manti incumbit probatio*.

2. ‘ As concerning that Act, whereby it is craved, That the Power  
 ‘ of the Lords of the *Articles* may be defined, We have Direction  
 ‘ and Information from the Parliament, to shew the Equity, Lawful-  
 ‘ nefs, and Expediency of that Act, which may be easily perceived  
 ‘ from the Reasons contained in the Narration of the Act it self, which  
 ‘ *brevitatis causa* is referred thereto: as also from the written Records  
 ‘ and printed Acts of Parliament, from the Nature of all Committees,  
 ‘ and from the present Estate and Condition of the Parliament of that  
 ‘ Kingdom: For as it is clear by the History of that Kingdom, and  
 ‘ Records of Parliament, that there was never such a thing heard of  
 ‘ as Lords of *Articles*, until the time of King *David Bruce*, so it is  
 ‘ manifest in all the printed and written Records of Parliament since  
 ‘ that time, That many Parliaments had no Lords delegate for *Ar-*  
 ‘ *ticles* at all; and when there were any chosen, the Nomination  
 ‘ and Election of them was ever with the common consent and advice  
 ‘ of



of the whole Parliament, until the Parliament 1617, that the Bishops took upon them to remove out of plain Parliament to the Inner-House, and there chose some of the Noblemen, and those Noblemen chose them, and they two chose the Commissioners of Shires and Burroughs to be of the *Articles*: Which as it is against the first Institution and Form of Election of all precedent *Articles* introduced by the Prelats, so doth it fall, and ought to be removed with them *ut Effectus removeatur cum sua Causa*: For they being removed, cannot chuse the Noblemen to be on *Articles*, and the Noblemen cannot chuse them, nor can they both together chuse the Barons and Burroughs: So that it doth of necessity follow, that either there be no Lords of *Articles*, but that all be done in face of plain Parliament, as it was of old; or else if *Articles* be, that the Order of Election be from the whole Parliament; or that every State of Parliament make choice of their own Number which are to be on the *Articles*: for according to the common received Maxim, *Quod omnes tangit, ab omnibus approbari debet*; who are chosen to represent the whole Kingdom, and are appointed to convene in their Name, for establishing such Laws as are necessary for the good of the Commonwealth, ought to discharge the trust themselves, and not to intrust *potestatem Universis Commission. to some Elected Persons*, except only in Cases of Necessity and Utility, which ever may be done or omitted according to conveniency and occasion of Affairs. For as this freedom of chusing, or not chusing of *Articles* in practice and *de facto*, was arbitrary and changeable *pro occasione & distinctione temporum*; So there is never any Statutory Law enjoining the necessity of *Articles*, determining the Power and Manner of their Proceedings, & *in actibus liberis* of the Law, *non currit prescriptio*. And it is very agreeable to Reason, that the power of *Articles*, which is but a Committee delegate from the Parliament, to prepare Matters for their Consideration, have not a boundless and unlimited Power, but be countable to them; and the Power of *Articles* is only preparative and not determinative, and is but *curatio*, by virtue of a Delegation; which ends at the redemand of the Granter, and ought no ways to be privative of the Parliamentary Power, but only Communicative, and ought before closing or riding of the Parliament, to render an account to them of all that hath bin propounded or past in *Articles*, that the whole Parliament may have a competent time for Consideration, Agitation, mutual Communication, Discussion, and Deliberation of the Reasons and Conclusions of those *Articles*, which are to be voiced, and not to vote blindly and without foreknowledge, to agree or disagree to such things as by their Suffrages are enacted to be Laws, which requires not only Voicing, but also Hearing, free Reasoning, and ripe Advice, as is clear by the Commissions granted to the Shires and Towns to their Commissioners, and from the *Acts* of Parliament of the first Parliament, 7 *Act* 101, and *Acts* of Parliament 1584, and 1587, *An. Jac. 6.*

3. As for answer to the new Augmentation of Customs and Book of Rates, it is humbly acknowledged, That the Customs belonging to your Majesty, as a part of the Patrimony due to your Crown, as appears by divers *Acts* of Parliament, especially by the 179 *Act*, *An. 13. Jac. 6.* and 206 *Act*, *An. 14. Jac. 6.* and 251, and 254, *Acts An. 15. Jac. 6.* It is evident that the Customs of Native and Foreign



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Foreign Commodities hath bin imposed by the *Exchequer*, and descended unto by some of the Barons, upon promise made unto them by the Earl of *Traquair* (as they affirm) that the Book of *Rates* without alteration should be ratified in the next Parliament, (the performance whereof was only craved by the *Article* given in) and that no new Augmentation should be imposed upon Custom, but that which is agreeable to Justice and the Laws of the Kingdom, which the Burroughs conceived they might lawfully represent to your Majesty and the Parliament's Consideration.

4. The Reason and Occasion of that *Article* given into the Parliament, anent the value of Money, and concerning Copper Money, doth flow from the sensible Loss and great Prejudice which your Majesty's Subjects of that Kingdom do sustain, by the huge quantity of Copper Mony which hath bin coined here, and allowed with Advice of your Majesty's Council, to pass here at a rate so far above the intrinsic value thereof; As also, (besides what is coined in the Kingdom) there are likewise a great deal coined abroad in other Countries and brought into *Scotland*, and great quantities of false ones forged by Finkers; and through occasion thereof all other Money is exported and taken away, and no other Money almost left; and the proclaiming of them up and down in so short a space of late, hath brought the esteem and value of them to such an uncertainty and confusion, as no Man knows at what rate they should pass at, or whether they should pass or no; which to your Majesty's Subjects is a very great prejudice, especially to Tradesmen and poor People, in whose hands most part of those base Monies are, whose distressed Condition cries to your Majesty for Remedy: Like as the importing of Dollars from Foreign Kingdoms, and tolerating them to pass for a long time at a higher Rate and Price, then is answerable to the true value, gave occasion to export and take away your Majesty's own Coin, and the crying down of the Dollars thereafter by your Majesty Council, at such a time when there was little or no other Money in *Scotland*, occasioned great scarcity of Money in this Kingdom. From the by-past experience of which loss, and for Remedy thereof, that *Article* craving, That Money should not be altered without Advice of the Estates of Parliament, was given in without thought or intention to intrench in any sort upon your Majesty's Royal Authority: But that your Majesty, for the good of your Subjects, may be graciously pleased, That the Standard-Money (consisting in Fineness, Weight, and price of Money) which from time to time hath bin ruled and set down in Parliament, may be seen by that Act of Parliament, *An. 1366.* in *David* the Second's time, in these words, *Statutum quod fabricetur moneta de materia jam allata in Regnum, & quod in pondere & metallo equipolent moneta currenti in Anglia, & fiat in ipsa signum notabile, per quod possit ab omni alia prius fabricata evidenter cognosce, quousque in proximo Parlamento super hoc maturius avisari possit.* The same is also manifest from a great many other Acts in the Reigns of *Ja. 1. Ja. 2. Ja. 3. Ja. 4. Ja. 5. Ja. 6.* especially *Parl. 1. An. Ja. 1. cap. 33. An. 1424. Item, Ja. 2. Parl. 6. cap. 29. & Parl. 8. cap. 33. Parl. 15. cap. 59. Parl. 14. cap. 72. Item, Ja. 3. Parl. 1. cap. 9. Parl. 3. cap. 18. Parl. 4. cap. 21. Parl. 6. cap. 46. Parl. 7. cap. 50. Parl. 8. cap. 64. Parl. 13. cap. 93. Item, Ja. 4. Parl. 1. cap. 2. Parl. 2. cap. 17.* In the unprinted Acts, *An. Ja. 6.*



‘*Jac. 6. Parl. 5. 1578. Parl. 7. Cap. 106. Parl. 8. 1584. Parl. 13. an. 1593.* And in the printed Acts, *Parl. 15. Cap. 249. Parl. 16. Cap. 9.* And also in the Parliament 1633, holden by your Royal Majesty, there is Commission given in Parliament to the Privy-Council, and other Commissioners, anent the frequent course of Dollars, and base Copper-Mony. By reading of which *Acts* it is manifest, that the fineness, weight, and price of Money, hath bin ruled and determined by your Majesty’s Predecessors, and your Self, with the advice of Parliament. Neither is it meant or intended, that your Majesty’s Royal Privileges (which have bin and are due to your Majesty, and Royal Ancestors) shall thereby in any sort be trenched upon, or impaired.

‘The reason of that Article, whereby it is humbly craved, that the Castles of *Edinburgh, Dumbarton, and Striveling*, may be entrusted only to Natives, and those to be chosen by advice of Parliament, of such faithful and honest Men as do tender your Majesty’s Honour, and Safety of the Kingdom; may be seen not only from the nature and importance of the Charge, but likewise from the former practice of your Majesty’s Royal Predecessors, who did dispose of those Castles with special advice of Parliaments; as is recorded in the old Registers of Parliament, 1368; like as *fol. 83. an.—Jac. 4.* It is concluded by the advice of the three Estates, that *Patrick Lord Hayes* be Keeper of the Castle of *Edinburgh*, and Artillery of the same. *Item fol. 21. cap. 35. Jac. 6.* the three Estates ordain the Castle of *Dunbar*, and Fort of *Inchkeeth*, be demolished and destroyed, that no foundation remain thereof. Like as by divers unprinted Acts, as in *Anno 1578, 1585, and 1606*, Your Majesty’s Houses have bin disposed of by advice of Parliament. And not only National Statutes, but the Law of Nature and Nations, do forbid the receiving of Strangers to be Keepers of the Strength of a free Kingdom. And *anno 1604*, when the Parliament of *Scotland* gave Commission anent the Union with *England*, with exception and reservation of free Monarchy, and the Fundamental Laws, Liberties, and Privileges of that Kingdom. And your Majesty’s Father in his printed Speech to the Parliament of *England*, 1607, when he interprets the Clause of *Fundamental Laws*, declares, That he could not make *Scotland* a naked Province without Liberty, and to set Garisons over *Scotland*, as the *Spaniards* do over *Sicily* and *Naples*, or govern them by Commissioners. So that his Majesty in his own interpretation doth acknowledg, that the putting in of Garisons, especially of *strangers*, as of *English-Men*, in the Forts and Castles of *Scotland*, is a breaking of the Fundamental Laws and Liberties of *Scotland*, and using it like a naked and conquered Province, like as *Sicily, Naples, or Ireland* is. And as your Majesty’s Subjects gave an undoubted proof how tender their Minds are in point of Obedience to your Majesty’s Commands, not only in delivering the Castles to be disposed of at your Majesty’s pleasure, without any assurance, other than their confidence in your Majesty’s Goodness and Justice; so have they of late given a very submissive and rare Testimony of their Obedience, in the humble reception of those Strangers and Ammunition, which your Majesty was pleased to send to the Castle of *Edinburgh*, where the Honours of your Crown and Kingdom, and Registers are kept; preferring their Obedience to your Majesty’s Commands to their own Safety, even at this time when their ears are filled with hostile Preparations

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against them. All which makes them, and us in their Names, humbly to supplicate and expect, that your Majesty will be graciously pleased, by recalling that Garison, to free your loyal Subjects of those Fears and Dangers, who will ever be ready to hazard both their Lives and Fortunes to do your Majesty service. Neither do they in that Act given in to the Articles, arrogate or assume it to themselves to appoint Keepers for your Majesty's Castles, but do humbly crave, That your Majesty will be pleased to declare (for further satisfaction of your Subjects) that the Commanders of your Castles may be chosen by the advice of the Estates of the Parliament; and that such as shall happen to be placed betwixt Parliaments, may be tried, and found by your Majesty's Council to be Men of such quality as are fit and able to undergo that Charge. Which in the Judgment of the Parliament, derogates nothing from your Majesty's Royal Authority.

6. As for the Reasons of the Act anent the Judicature of the Exchequer, we have set down some few of the many Reasons, which do sufficiently prove the Equity and Justice thereof.

1. The *Session* and *Exchequer* are two distinct Judicatures, and not subordinate one to another, and cannot be contruerent in the same Object. And therefore seeing the Question of Right and Nullity of Right is competent to be decided by the Lords of *Sessions*, by way of Action or Exception, it is altogether incompetent to be discussed by the Lords of the *Exchequer*.

2. The Lords of the *Exchequer* are incompetent Judges in a Declarator of Nullity by way of Action, and consequently cannot annul any Right by way of Exception, which is a more summary way. And it were absurd in Law, (seeing the Subject and Question is one, whether proponed by way of Action or Exception,) that incompetent Judges of the Action should have a more absolute and summary Jurisdiction by way of Exception.

3. It appeareth by an *Act* of Parliament not printed, 1593, entitled, *A Commission to the Exchequer anent deciding Suspensions in the King's Cause*, that before the said *Act* the Exchequer had not power to decide in Suspensions, until it was given them by the said *Act*; far less can it be thought, that they ever had or can have power to decide in the point of heritable Right: neither doth the late *Act* 1633, authorize to decide therein expressly. And if it be truly considered, some general words contained therein, intermixed with the particular Cases therein expressed, should not, nor cannot be extended to so high a point, as the disputing and deciding of the Subjects heritable Rights. Like as at the making of the said late *Act*, the Lords of the *Session* having heard some surmise that the King's Advocate was giving in such an *Act*, seven or eight of them convened together, and sent for the *Advocate*, who assured them that there was not nor should not be any such thing, but that the *Act* should be conceived in so clear terms, that it should not be possible to draw in under any part thereof a power to the Lords of the *Exchequer* to dispute, far less to decide in heritable Rights. And as the Subjects heritable Rights and Infeoffments are by this *Act* saved from being decided and annulled by incompetent Judges; so your Majesty is no ways prejudiced thereby, seeing the Lords of *Session* (who by the Laws of that Kingdom are proper and competent Judges of all heritable Rights



‘ Rights and Infeoffments, ) may and will decide any Questions *Caroli 15.*  
 ‘ which may concern your Majesty, in nature, tenor, and validity of  
 ‘ any heritable Right.

*An Answer to Twenty five several Propositions more, given to the  
 Commissioners on Friday at Night, the 20th of March, 1639;  
 and by them answered on Monday, March 23.*

1639 English Style. }  
 1640 Scotish Style. } as followeth.

*First,*

‘ **T**He Protestation made by some of the Noblemen, ( that their  
 ‘ giving way to the present Treasurer and Privy-Seal, should not  
 ‘ prejudice them of their Right ) carrieth the same reason of the Pro-  
 ‘ testation in it self; because in Law and Practice it is usual to any, who  
 ‘ conceives himself prejudged, even in those things where Acts of Par-  
 ‘ liament pass against them, to protest *multo manis*. In such a case as  
 ‘ this it is lawful for him to protest, that you giving way to that,  
 ‘ which they conceive hath no Law for it, should not prejudice their  
 ‘ Right, which is only craved *prout de jure*.

‘ *Secondly,* That the Act against the Constitution of the Parliament,  
 ‘ remitted to the Articles to be considered by your Majesty till next  
 ‘ Parliament, was questioned and urged, that the same might be  
 ‘ brought in open Parliament without any such reference, for divers  
 ‘ reasons: First, because in that Act there was a Clause, craving it  
 ‘ might be enacted, that there should be *Stataria Parliamentaria* once  
 ‘ in two or three years at least; which Clause of the Act, so soon as it  
 ‘ was understood by the Propounders and In-givers thereof, that your  
 ‘ Majesty might conceive the same to derogate from the freedom of  
 ‘ your Royal Power of indicting Parliaments when your Majesty plea-  
 ‘ sed, they did pass from that part or clause of the Act. And albeit it  
 ‘ may be easily demonstrated from the Prejudice which your Majesty’s  
 ‘ Ancient and Native Kingdom sustains, through want of your Royal  
 ‘ and personal Presence, and living at so far a distance from the place  
 ‘ of your Majesty’s residence, how requisite it is that there be frequent  
 ‘ Parliaments holden in that Kingdom; yet lest the desire of your  
 ‘ Majesty’s Subjects might seem in any ways to trench upon your Au-  
 ‘ thority, they did pass from that part of their desire, and did only in-  
 ‘ sist that there might be a right Constitution of the Parliament, and  
 ‘ that an Act might be past for rescinding and repealing of such former  
 ‘ Acts which repugn the Acts and Conclusions of the Assembly, which  
 ‘ is conceived to be so absolute necessary, as there can never be a valid  
 ‘ Parliament without the same, nor can the Acts and Conclusions of  
 ‘ the *General Assembly* be ratified; which to refuse, were both con-  
 ‘ trary to the primate end for which the Parliament was indicted, and  
 ‘ against your Majesty’s Royal and Gracious Declarations. And that  
 ‘ it is impossible without passing the Rescissory Act, and Act of Con-  
 ‘ stitution, to have a valid Parliament to ratify the Conclusions of the  
 ‘ Assembly,

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*Assembly*, is manifest; seeing by former Constitutions of the Parliament, no Act of Parliament can pass without the consent of the three Estates, of which the Kirk was the third, (as is to be seen by the Act of Parliament 1609,) and any Act of ratifying the Conclusions of the *Assembly*, or for any other cause whatsoever, which can be put in this Parliament, till the Parliament be lawfully constitute without Prelates, or any other representing the Kirk, cannot be valid, but may be quarrelled and annulled upon that formal and fundamental ground of the former Constitution of Parliaments, which stands established by Acts of Parliament, *anno* 1584, 1587, 1597, and 1606. By all which it is clear that the Parliament was constitute of the three Estates; and that the Prelates voting in Parliament, and representing the third Estate, was a Privilege granted to the Kirk, and that they (as her Office-bearers) had only Vote in the name of the Kirk, may be clearly seen by the 231 *Act Parl.* 15. *Jac.* 6. *Anno* 1597. where the King's Majesty and his Estates restores Ministers provided to places, to have vote in Parliament, and that upon this reason, as having special care of the greatest Privileges and Immunities granted by his Predecessors to the holy Kirk within this Realm, and to the special Persons exercising the Office, Dignity, and Title of Prelats within the same, which is reputed one of the Estates, and that the said Prelats have bin from time to time conserved in the same integrity wherein they were at any time before. So that his Majesty, out of his singular affection to the advancement of Religion, declares this Kirk to be a true and holy Kirk, and that the Ministers and Pastors within the said Kirk, provided to the Office, Place, Title and Dignity of a Bishop or Prelat, shall at all times hereafter vote in Parliament, such-like and as freely as any other Ecclesiastick Prelat had at any time by-gone; and that all Bishopricks shall be disposed to actual Preachers. Which proves that in time of *Popery*, and ever until that time 1597, this privilege of Voting in Parliament was granted to the Kirk, and only to the special Persons, who by virtue of their Office did represent the Kirk; which is also clear from the Act of Annexation, *anno* 1587, whereby all the Temporalities of Benefices were annexed to the Crown. Notwithstanding whereof they did still vote in *Parliament*, in name of the Kirk, having no Temporalities at all, till the *Parliament*, *Anno* 1606. Wherein it is clear in the Act of the Restitution of the Estate of Bishops, and also in the 6th Act of *Parliament*, *Anno* 1609, that Vote in *Parliament* is given to the Prelats, as one of the Liberties and Privileges granted to the Kirk, whom they did represent, and did ever sit *pro Clero* on his Majesty's right hand, and voted in the name of the Kirk. But seeing in the late *General Assembly* holden at *Edinburgh*, after particular enquiry anent the true and real Cause of the Evils which did so much trouble the Peace of that Kirk and Kingdom, it is found, that the Government of the Kirk by Bishops, and Civil Power and Places of Kirk-men, especially their voting in *Parliament*, amongst other Novations brought into that Kirk, were two main Causes of those Evils. And that the *Spiritual Assembly*, by consent of your Majesty's Commissioner, representing your Royal Power and Person, hath removed Episcopacy out of the Kirk of *Scotland*, and declared all Civil Places and Power of Kirk-men to be unlawful in that Kingdom, as contrary to the Confession of Faith, and Con-



stitutions of the Kirk, and hath ratified the Covenant, ordaining all the Subjects to subscribe the same, with the *General Assembly's* Explanation in that sence. And your Majesty being obliged to ratify the Conclusions of the *Assembly* in Parliament; it doth necessarily follow, That Bishops (who usurped to be the Kirk, and did in the Name of the Kirk represent the third Estate) be taken away: which also by necessary consequence doth infer, that there be an Act of Constitution of the Parliament without them; and an Act of Repealing the former Laws, whereby the Kirk was declared the *Third Estate*, and that the Bishops did represent the Kirk; both which the Kirk hath now renounced and condemned as a Detriment and Prejudice incompatible with her Spiritual Nature. Neither doth the passing those Acts wrong the Kirk nor State, nor diminish your Majesty's Princely Power, as was demonstrated by that which was spoken to your Majesty the third of *March*, and which we did yesterday present to your Majesty in writing, which for brevity we forbear to repeat. And if your Majesty's Commissioner deny that he did assent to the Act of the *Assembly* the 17th of *August* last, whereby Episcopacy and the Civil Places and Power of Kirkmen, and specially their voting in Parliament, was declared to be unlawful, as being contrary to the *Confession of Faith*, and Constitutions of the Kirk; and that he did approve that all the Subjects should subscribe the *Confession of Faith*, with the *Assemblies* Explanation thereof, we offer to prove the same by the very Acts of the *Assembly*, and Records thereof, bearing his assent, first verbally, and afterwards given in by writing.

Thirdly, 'The Reason of that *Article* which craveth, That every Commissioner of a Shire should have a several Vote, appears in the very Proposition it self: for that any who by the Laws of the Kingdom, and by their Commissions, comes authorised as Commissioners to Hear, Treat, and Determine in Parliament, and yet not to have a Decisive Voice, seems to be *repugnantia in adjecto*; and that by the ancient practice the whole Burroughs and Freeholders in that Kingdom had Vote in Parliament, may be seen in ancient Records of Parliament; as in the Raigh of King *James* the Second, in the old Acts of his Parliament, fol. 20, 33, and 36. In the Raigh of King *James* the Third, the 14 *Parl.* and 112 *Act.* Also in the Raigh of King *James* the Sixth, the Parliament begun the 15th of *October* 1587; which Parliament being convened and continued, all Free-holders are thereby enjoined to come to the Parliament to treat and conclude upon things needful: Notwithstanding whereof no such Privilege was claimed, but only craved the Declaration and Determination of the Parliament, whether each Commissioner of the two sent from a Shire, have right in Law of a several Decisive Voice; which if at any time it had bin marked otherwise, they alleaged the same proceeded from the Ignorance, Error, or Corruption of the Clerk: And as the Burroughs and Free-holders are the far greatest part of the Body of the Kingdom, and that all of them of old had Voice in Parliament, till their absence by some late Acts, specially the 10th *Act. Parl.* 7. *Jac.* 1. and *Parl. An.* 1587. *Jac.* 6. is dispens'd with, and they exempted from necessity of coming, and Unlaws, (*id est*, Forfeitures) which they were liable to pay for non-appearance, providing they send Commissioners in their Names to Vote in Parliament;

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Parliament; and therefore they think it agreeable both with Law and Reason, That every one of these few Commissioners, who do represent so many, should have a several Decisive Voice. And the *Act* of Parliament made by King *James 6*, An. 1587. bears, That the Commissioners of Shires shall be equal upon Articles with Burroughs, and shall have Voices in Parliament. The meaning whereof doth import, That every one of the said Commissioners shall have a Decisive Voice, because *quod de omnibus dicitur de singulis dicitur*. And if both the Commissioners of one Shire should have but one Decisive Voice, then it would follow that every one of them hath but half a Voice; and consequently when one is absent, the other being present should have no Voice; and one could not be chosen upon the Articles without the other: both which are contrary to Reason and Custom; and it is undeniably true, and constant by continual Custom, that when there is only one of the Commissioners of a Shire chosen upon the Articles, that one by himself, without concurrence of his Colleague, hath a pleenary Voice in Articles. Therefore it follows necessarily, that as every one of the two Commissioners have a full Voice in Articles, so every one of the two should have a full Voice *per se*, and severally in Parliament, otherwise every one of them could have but half a Voice in Parliament, and a full Voice in Articles.

*Fourthly*, And the *Act* given in anent the Burroughs Voices, is not to demand or crave any new thing or Innovation, or new Privilege to be granted them, but only craves the Declaration and Determination of Parliament, which in justice may be craved by any who desires their right to be cleared.

*Fifthly*, Neither is there any such thing moved in Parliament, as the chusing of any other Clerk, but it was humbly craved that some should be allowed from the Parliament to sit by the Clerk, to mark that the Voices were rightly enumerated.

*Sixthly*, As for that Article whereby it is craved, That every Estate may chuse their own Lords of Articles, or else that they may be chosen by the whole Parliament, is agreeable to the Liberty of all free Judicatories, who have power to chuse their own preparative Committees; who except they be chosen by the Judicature it self, or by those whom they do represent, cannot be possibly reputed to have any Power from them; and they can only Propound and Voice in Parliament in Name of those who did chuse them, and gave them power; and what they do in Name of those who did not delegate them, is *à non habente potestatem*. But because the Reason of this Article is more fully cleared in one of our former Answers, anent the power of Articles, (which is incident to this) we remit it to our former Answers.

*Seventhly*, The Reasons of that *Act*, desiring that Proxies may be discharged, and that no Patent of Nobility be granted to any such as have not 10000 Marks of yearly Rent in Scotland, as is contained in the *Act* it self. And it seems not to be agreeable to Reason and Equity, that the Honour and Power of Voting in Parliament, which is conferred on Noblemen and their Successors personally, and whereby they have power to Reason, and Voice, and Judge, according to Law and Conscience, can be entrusted to another with an implicit Faith, to determine and give the Judgment of

the



the Granter of the Proxie in Matters of highest moment concerning Religion, your Majesty's Service, and the Good of the Country, before the Granter thereof knew so much as was to be propounded. And as concerning the second part of the *Act*, craving, That no Patent of Nobility may be granted to any other who are not Natives, but such as have 10000 Marks of Land Rent in that Kingdom, the same was remitted, and recommended to the Commissioner to be represented and remonstrated (with the Reasons thereof) to your Majesty, whose Gracious Answer therein they now expect.

*Eighthly*, 'As concerning the Book intituled, *A Large Declaration*; The General Assembly taking notice thereof, and conceiving that thereby both your Majesty, the Kirk, and Common-Wealth were wronged, therefore they gave a Supplication to the Commissioner, and Lords of your Majesty's Privy-Council, humbly craving to represent the same to your Majesty's Consideration: Like as in the Articles of Parliament, the States did humbly recommend the Assembly's Supplication to the Commissioner for obtaining the desire of the said Supplication: Neither did they know a more humble and respective way for redress and removing of the Imputations which lies upon them by occasion of that Book; concerning which, amongst the other Particulars recommended to the Commissioner to be represented to your Majesty, they do confidently expect the return of your Gracious Pleasure.

*Ninthly*, 'As concerning that Proposition, whereby it is desired, That the Commissioners for Shires may be allowed to give in a Roll of Free-holders, out of which the Justices of Peace are to be chosen: The Reason of that Desire is, Because the Commissioners of each several Shires know best who are ablest and fittest Men within their own Shires for your Majesty's Service, and good of the Country, which is no ways craved to derogate from your Majesty's Power of chusing, but only as expedient to be past or refused, as your Majesty and the Parliament shall think fit.

*Tenthly*, 'As for that *Act* concerning the Disorders in the North; The Reason why the same was craved, did result from the Complaints and Grievances against the Thefts, Oppressions, Slaughters, and great Insolencies committed there divers Years by-gone, and of late in those parts; the Redress and Remedy whereof, and for keeping Peace in that part of the Country, desires your Majesty's Consideration and Justice; and all that we remember was required of the Parliament, was only, That the former Acts of Parliament made for punishment of those Rapines and Oppressions, might be revived with further Additions, as your Majesty and the Parliament should find expedient and conduceable for the Peace of the Country, which we hope your Majesty will ever tender.

*Eleventhly*, 'The Reason of that Act craving the Council to be Subalterne and Censurable by the Parliament, is from Warrant of former Laws cited in the *Act* it self, wherein there is no more craved, but that the former Acts of Parliament against Liars, and makers of Division betwixt the King and his Subjects, may be revived; and that the Session and Council may be countable to your Majesty and Parliament for any Injustice that shall happen to be committed by them.

*Twelfthly*,

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*Twelfthly*, 'Where it is alleaged there was an *Article*, That no Taxation should be granted but in plain Parliament; we remember of no such *Article*, nor such Motion propounded.

13. 'As concerning the *Act of Pacification*, the Warrant and Ground thereof flows from the humble Petitions and Remonstrances of your Majesty's Subjects, when they did clear their Loyalty, and made offer of their civil and dutiful Obedience to your Majesty; which by their humble Supplication to your Majesty's Commissioner, to the Lords of the Council, and to the States of Parliament, inserted and registred in the Records thereof, they have again solemnly renewed, and from your Majesty's Favour in condescending to the *Articles of Pacification*, wherein your Majesty was graciously pleased that an *Act of Pacification or Oblivion* should be past; And in the Narrative of the *Act* it self, there is an humble and thankful acknowledgment of your Majesty's Justice and Goodness, and is drawn up in such Terms as was conceived might best express your Majesty's Fatherly Care and Goodness towards your Ancient and Native Kingdom, without wronging the true loyal Meaning and Intention of your Majesty's Subjects. And as for the Body and legal Part of the *Act*, the same was after much debating framed, with advice of Lawyers, and consented unto by the Parties chiefly interessed.

14. 'As to that *Article* anent particular Commissions of Justiciary and Leistenantry, all that was intended or desired thereby was, That the Abuses of those Commissions might be in all humility represented to your Majesty by your Commissioner; and that your Majesty might be graciously pleased to grant the like Commissions only upon weighty and necessary Causes, and to endure only during this time of necessity; and the In-givers of that *Article* were content to have it reformed that way.

15. 'As concerning that *Article* given for Sheriffs and Stewards, craving, That they may only be obliged to produce Horning for the Taxations; it is not a new Desire, but that which hath bin craved by them in divers former Parliaments; and they think that production of Horning against the Persons liable in paiement should be an exoneration to them, because they alleage they want many of the Casualties, Benefits, and Powers which Sheriffs had of old by virtue of their Offices.

16. 'As concerning the Proposition made anent the *Patent for Gunpowder*; all that we remember was craved by the Ingivers of that *Article* was, That in respect the Earl of *Linlithgow's Patent* was void by a Clause irritant in his Patent, whereby he was obliged to keep the Work going, was now decayed, and so the Country frustrated of the Benefit and Profit which might have accrued to them by that Commodity: It was therefore thought fit to be allowed to any who were most fit and able to undergo the work of making of Powder.

17. As for the *Act* given in for discharge of Remissions for Murder, Slaughter, Theft, but upon satisfaction to the Party; all which was intended thereby, was only, That the heavy Prejudices redounding to the Country by Remissions purchased upon misinformations, might be by Supplication presented to your Majesty's Considerations, that by your Majesty's Justice and Goodness, the like Inconveniencies may in time coming be prevented.

18. 'As



18. ' As for the *Act* craving the discharge for Protections ; it was  
' nothing but the reviving of two former *Acts* of Parliament, viz.  
' the 47 *Act* Parl. 11. and 15 *Act* Parl. 23. of King Ja. 6. without  
' any other derogation to your Majesty's Power or Authority, which  
' was done with the Commissioner's consent.

19. ' As for the *Act* concerning *Common Relief*. The Reason is,  
' Because as the Blessings of Religion and Peace, which from your  
' Majesty's happy Government, and fatherly Affection to your Maje-  
' sty's Ancient and Native Kingdom, (especially at this troublesome  
' Time) are common Benefits, whereof every good Subject ought to  
' be sensible, so it is agreeable with Reason and Justice, that according  
' to their Interest, every one may contribute a proportionable part of  
' the Charges which hath bin spent for so good ends ; and the ordinary  
' Cause for which Taxations are granted, are *ad relevationem Imperii*  
' *ob conservationem Libertatis, ac Dignitatis, ac Religionis, vel utilitatem*  
' *communem subditorum* : Wherefore albeit some be adverse, yet the  
' Consent and Voices of the most part should oblige for these ends ;  
' whereunto your Majesty's Consent & Royal Authority is humbly cra-  
' ved to be added, that the same may flow from your Majesty's Justice  
' and Goodness, and have execution to inferior parts thereof, since  
' the whole Commissioners of Shires and Burroughs, and the whole  
' Nobility (very few excepted) are content freely and willingly to  
' make offer of their proportional part thereof.

20. ' As for that *Article* craving the *Act* 1633, ordaining that Con-  
' formations and Infeoffments of Ward-lands shall not prejudg the  
' King's Ward to be repealed ; there was no Dispute nor Conclusion  
' made there anent in *Articles*, neither (as we remember) was it cra-  
' ved by that *Article*, that the *Act* 1633 be repealed simply, but that  
' the meaning of that *Act* may be explained and interpreted.

21. ' As for the *Article* or *Act* anent the Duty paid to the Conser-  
' vator upon Coal ; The same was craved to be discharged by the Coal-  
' Masters, because it was an unlawful Exaction, which he had no  
' Warrant to exact by his Gift, which was instructed in *Articles* by  
' production of his Gift, whereupon the *Act* was past in *Arti-*  
' *cles*.

22. ' The *Article* craving Ammunition and Arms brought in, to be  
' Custom-free, is warranted in Law in so far as the Commodities ex-  
' ported or imported for the particular use of Noblemen, Barons,  
' and Free-holders, which are for the King's use, and not to be sold  
' again, are by *Act* of Parliament declared to be *Custom-free*.

23. ' As concerning the *Articles* anent the Election of the Presi-  
' dent of the Session, and Admission of the Judges presented by his  
' Majesty : There was no new thing craved thereby, but the Ratify-  
' ing and approving the 39 *Act* Parl. 6. King Ja. 6. 1579. and that  
' allanarly, so far as concerns the freedom of Election to be made by  
' the Senators of the College of Justice of the President thereof,  
' without any other Clause of the said *Acts* ; neither doth the *Act* gi-  
' ven in bear any thing concerning the admission of any other Judges  
' presented by your Majesty.

24. ' As for the *Article* anent Statefmen being Noblemen to have  
' but one Voice ; We remember nothing of any such Question.

25. ' As to the last Proposition concerning the Opposition made  
' by the rest of the Clerks against Mr. *William Hay*'s deputation in his

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Father's Place, the Commissioner to whom they did produce their Reasons in Writ can best give account thereof. And albeit we have in Obedience to your Majesty's Commandment (according to our bounden Duty) shewn the Reasons why these Propositions (whereof of your Majesty hath taken notice as prejudicial to your Authority) were demanded; yet many of these Propositions are of so small moment (being only and meerly about the interest of private Persons) as they are of no publick Concernment, & *de minimis non curat Lex*; nor doth the *Parliament* stick upon these, or any other Articles of that kind, any further than they have Warrant of Law, and your Majesty and Estates shall find them convenient for the good of your Subjects.

### The Conclusion.

By all which it is most evident and perspicuous to any who shall without prejudicate Opinion, read and consider the former Proceedings, that we have no new Desires, but those only which are contained in our former Petitions and Remonstrances made to his Majesty, which are agreeable to the Fundamental Laws and Laudable Practices of that Kingdom, and to the *Articles of Pacification*; and that our chief and main Desires are, for Ratifying the Conclusions of the *Assembly*, for removing of Episcopacy, and the Civil Places and Power of Kirkmen, which is condemned in the *General Assembly*, with consent of his Majesty's Commissioner, as contrary to the *Confession of Faith*, and Constitutions of that Kirk, and which his Majesty is obliged to ratify in *Parliament*. And that Religion is the only Subject, Conscience the Motive, and the enjoying of our Religion the only aim and height of our Desires; and whatsoever is craved in Civil Business, is mainly for the establishing and preservation of Religion; for obtaining which, we have never strayed from the humble and loyal way of a legal Redress, and are but seeking the performance and consummation of what his Majesty was graciously pleased to condescend unto, and promise in his Declaration of *Pacification*. And as concerning any other demand about Civil Matters required or propounded in *Articles*, albeit it be most sure from bygone Experience, that the Corruption and Thralldom of the *Parliament* hath bin the occasion of the Corruption and Thralldom of our Kirk; and that it is most evident, by all the Registers and Records of our Laws, That the cognition and decision of those *Articles* doth properly belong to the *Parliament*; and that we have proceeded upon no other Grounds, than the Laws and Ancient Practices of that Kingdom, (never before questioned, but inviolably observed as the only Rule of our Government); yet it hath bin offered that we would not adhere, nor stick upon any of those *Articles* for Civil Businesses, but only upon such as were absolutely necessary for establishing of Religion, and the Peace of the Kingdom, without the least trenching upon his Majesty's Authority: Like as the *Articles* themselves are no Conclusions, but only Motions and Desires propounded to the *Lords of Articles* to be prepared for the *Parliament*: That after his Majesty and Estates have advised and pondered upon the Reasons and Equity of those Demands, they may either enact or refuse the same, as in their Judgments they shall think



think most expedient ; and so the proponing of those Demands upon reasonable and legal Terms, and which are so justifiable both in Law and Practice, can never give just occasion of his Majesty's Indignation and Displeasure, far less can the same be any Ground or Cause to incense his Majesty to use that Power which God hath put in his Hands for Maintenance of Religion, and Administration of Justice, to the overthrow and destruction of his Subjects, who are ready to give ample and real Testimony before God and the World of their loyal and dutiful Obedience to his Majesty ; wherefore the Occasion and Cause of Wars may be sought elsewhere without the bounds of the *Assembly* and *Parliament*, which are the supreme and lawful Judicatories of that Kingdom, by which, next under God, the Purity of Religion hath bin conserved, his Majesty's Authority, and the Liberties of the Kingdom have ever bin upholden. But it is as clear as the Meridian Light, that all our Troubles and Commotions do proceed from those Churchmen justly ejected from this Church, who being hopeless to regain their former condition, (if all things take a legal, fair, and orderly Conclusion in *Scotland*) do spitefully labour to bring Church and State (from whence they came) to confusion, and to re-enter by force of the *English*, with assistance of such as are popishly affected, and of some disnatur'd Countrymen, who for their own ends thinking to reap Fruit from the ruin of others, and delight to fish in troubled Waters, for bettering of their own Condition, (otherwise desperate) or for preventing the Challenges and Punishments they have justly deserved, and that their Faults may be drown'd, and themselves escape in the midst of so great a confusion. And because the Prelats and such as are popishly affected, can hardly by themselves alone afford so much Money as to entertain a constant War, they have assented to a Parliament, wherein they expect upon some fair promises of removal of such things as are grievous unto you for the present, to allow you to open your Purfes wide, and to contribute largely with your Means and Assistance against us, that when they have by force subdued us, they may the more easily establish their Tyrannical Hierarchy over you ; but we hope that the God of all Truth and Wisdom, who hath wrought all our Works for us, and doth offer you this fair opportunity, will give you Courage and Wisdom, that you suffer not yourselves to be deluded ; but that as those whom God hath joined with us in one Island, and under one King, and are as feeling Members of that Mystical Body, whereof Christ is the Head, you will have a sympathy with us of those great pressing Evils which do so much trouble the Peace of both our Kirks and States, and will by the Effects and Streams, be led to the Cause and Fountain of the Disease, that the same may be perfectly cured ; which can come to pass no other ways, than by taking away the Wicked from before the King, that his Throne may be established in Righteousness ; and we shall henceforth, from the influence of his Government, reap the sweet Fruit of Truth and Peace ; and (God getting what is God's) we shall live together like Brethren in a blessed harmony, and pay to our *Cæsar* the Tribute of chearful Obedience, which becometh Good and Faithful Subjects.

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*His Majesty's Declaration in Council concerning the Scots Commissioners sent up unto his Majesty from the Parliament in Scotland.*

*At Whitehall the 11th of March, 1639.*

‘ **T**his day his Majesty being present in Council, was pleased himself to make known to the Lords, what had passed at the Committee appointed by his Majesty, to hear those Lords and Gentlemen that came lately from Scotland, pretending to be sent from the Parliament there.

‘ In the first place his Majesty acquainted the Lords, That after those *Scottish* Lords and Gentlemen had subscribed the Petitions which they had formerly presented to his Majesty, and had bin read at the Board, order was given to the Earl of *Traquair*, his Majesty's Commissioner, to assign them a time to be heard of the Committees; which falling out to be at the time of his Majesty's being at *Hampton-Court*, they refused to come to the Committee, alleaging, That they had Order and Instruction to Treat with none but his Majesty himself: Whereupon his Majesty appointed them to attend him at the Committee on the day of his remove to *Hampton-Court*, which was the third of *March*; at which time they did attend his Majesty accordingly.

‘ The Earl of *Dunfermling* spake first, but very short, and so low that few of the Committee understood him.

‘ Then the Lord *London* made a long Speech, the effect whereof was, A Protestation of the Independency of the Parliament of *Scotland*, and that it was subject to no other Judicatory; and a profession of their Affection and Loyalty to his Majesty, with a Justification of their Proceedings in the Assembly and Parliament, as agreeable to the *Articles of Pacification*, and to the Laws and Practices of that Kingdom; and thereupon desired, That his Majesty would ratify and confirm those their Proceedings. And for that purpose they petitioned his Majesty to command that the Parliament might proceed freely, for the determining of all the *Articles* delivered unto them, for the establishing of Religion and Peace in the Kingdom; undertaking that whatsoever Objections or Informations should be made against their Proceedings in Parliament, (provided they received them in writing) they would give a satisfactory answer to them.

‘ This Discourse ended, his Majesty demanded what Power and Commission they had to give him satisfaction, and to oblige those from whom they came? for if they had none, He must hear them upon great disadvantage, they expecting Satisfaction from him who had certainly Power to give it, but they had no Commission to render the like to him.

‘ They answered, That which they should propose (it being agreeable to Law) they were confident should give his Majesty Satisfaction.

‘ His Majesty asked who should be Judge of that? They answered, The Law would appear so clear that there would be no need of a Judge.



‘Judg. And though his Majesty insisted much hereupon, they would  
‘give him no other Satisfaction. But they persisting to assert they had  
‘Power and Commission, and would bring them to his Majesty ;  
‘they were ordered to do so at the next Meeting, and so for that time  
‘they were dismissed.

‘Upon the 9th of March, after his Majesty’s return from Hampton-  
‘Court, they attended his Majesty at the Committee again. There  
‘they produced Instructions signed by some *Scottish* Lords, and some  
‘other Persons of no great eminency ; which Instructions having bin  
‘read, were judged by his Majesty, (all the Lords of the Committee  
‘concurring in the same Opinion) to be no Commission, and that  
‘they had no Power or Authority by them to give his Majesty Satis-  
‘faction, or to oblige those from whom they said they came, to any  
‘thing that his Majesty should yield to or desire. Wherefore his Ma-  
‘jesty demanding whether they had any other Power? they said, They  
‘had a Paper formerly subscribed by some of the Lords in Parlia-  
‘ment, by which the Earl of *Dunfermling* and Lord *Lowdon* were on-  
‘ly authorized to come, and present their Justification to his Majesty,  
‘and said, they could for the present have no other, the Parliament  
‘then not sitting. Whereupon they were required to withdraw, and  
‘his Majesty advising seriously with the Committee what was best to  
‘be done in this weighty Business ; and also considering, That if  
‘they should be dismissed without further hearing, they would take  
‘occasion to clamour, His Majesty resolved (that although he found  
‘himself bound neither in Honour nor Justice to hear them any fur-  
‘ther, (they having offered no Foundation for an Accommodation,  
‘nor having Power to do it) yet to the end that no colour of sini-  
‘ner Construction might be left, and that his Majesty might justify  
‘himself to God and the World, that he had omitted nothing on his  
‘part that might tend to Peace, and to the settling of a better Intelli-  
‘gence between his Majesty and them) that he would continue to  
‘hear them, and would make his Objections to such Particulars as  
‘had bin proposed in Parliament, and against which he had just  
‘grounds of Exception, that so it might appear whether they could  
‘give him that satisfaction which they had promised and presumed they  
‘could do, or not.

‘Upon this they were called in again, and his Majesty making this  
‘known unto them, not one of them made shew of the least sense of  
‘this his Majesty’s Grace and Goodness so expressed to them ; which  
‘the Lord Marquess *Hamilton* observing, took occasion of himself to  
‘say, That though he was not of their Company, yet being a *Scots*  
‘Man, he held himself obliged to acknowledg with all humility this  
‘his Majesty’s singular and princely Favour to his Country, and be-  
‘sought him to accept his most humble thanks for it. This drew  
‘them on to do the like, and so they presented their humble Thanks  
‘to his Majesty on their knees.

‘His Majesty having thus acquainted the Lords with this Business,  
‘commanded the Instructions to be read at the Board ; which being  
‘done, the whole Board unanimously concurred in Opinion, that the  
‘Petitioners had not Power nor Commission to give his Majesty Sa-  
‘tisfaction, but only to endeavour to justify and maintain their for-  
‘mer Proceedings. Whereupon his Majesty commanded this Judgment  
‘of

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of the Board, together with the former Proceedings upon the whole Matter, to be passed into an Act of State, and to be registred and remain upon Record in the Council-Book.

Upon *Wednesday* the 18th of *March*, his Majesty being in Council again, was pleased to acquaint the Board with what had passed at the Committee since the former Meetings, and that the Petitioners had produced the Paper above-mentioned, subscribed by some of the Lords of *Scotland* in Parliament, by which the Earl of *Dunfermling* and the Lord *Lowdon*, only were heretofore authorized to come and present their Justification to his Majesty; which Paper his Majesty having commanded to be read to the Board, the Lords unanimously then also agreed that the Petitioners had no more power by this Paper.

## His Majesty's Declaration, concerning his Proceedings with his Subjects of *Scotland*, since the Pacification in the Camp near *Berwick*.

By the KING.

WE did make account that the *Pacification* which We were pleased to condescend unto the last Year in the Camp near *Berwick*, and to grant to our Subjects of *Scotland*, even then when they were in the height of their Rebellion, and in the Field in Arms against Us, had given such demonstration to the World of Our inclination to Peace, and desire to spare the Blood of our People, and to win them to the Obedience which they owe unto Us, as that all misunderstandings had bin utterly taken away, (as they were on Our part) and that such Conditions as were then agreed upon, should have bin really performed by them, according to those Bonds of Allegiance, Duty, and Promise in which they stand obliged to Us. But We have since found, to Our unexpressible Grief, that our Princely Goodness and Mildness in passing by that Offence, hath produced nothing but extreme Ingratitude, and insufferable Insolencies against our Government. And farther, by sundry libellous Pamphlets, and most false and seditious Discourses sent from *Scotland*, and dispersed purposely in this our Kingdom of *England*, especially in our City of *London*; that the Cause of these Disorders is sought to be shifted off from the Rebels in *Scotland*, and most unjustly cast upon Us. Wherefore We hold our Self bound, in that Duty which we owe to God, and love to Truth, not to suffer our Honour to be thus betrayed and vilified by Faction and Rebellion, but to vindicate it from all Calumny and Clamour, by giving hereby a clear and just account to all the World

of



of our Proceeding with our Subjects of that our Kingdom, and of the most material and remarkable Occurrents since that Pacification, that so all those that are not partial, or will not wilfully shut their Eyes against the Truth, may judg who they are that have bin the Disturbers and Infractors of the Peace, and that under the Mask and Visor of Religion, seek to undermine and subvert all Monarchical and Civil Government. Which account follows thus.

After We had bin some time in the Camp near *Berwick*, and that Our Subjects of *Scotland* had encamped with their Army in view of Ours; upon an Overture from them, We were contented to condescend to the receiving of a Petition, in which it is expressed, That they, falling down at our Feet, did most humbly supplicate Us to appoint some of this our Kingdom of *England* to hear, by some of them, their humble Desires. Which We having granted, and several Meetings by those of both Kingdoms having bin held; at all which our Self, (to shew Our hearty and earnest Desire to meet our Subjects in a peaceable way) were contented to be present (much beyond their own expectation, as they have since acknowledged, and We are sure, exceedingly beyond their Merit); at the last those of *Scotland* were commanded to make their Demands in Writing, in which after they had presented their Desires, (of which one was, That the Acts of the late Assembly at *Glasgow* holden by our Indiction, might be ratified in the ensuing Parliament) they profess, *It is their grief that We should have bin provoked to Wrath against them O most humble and loving Subjects, and that it shall be their delight, upon Our gracious assurance of the Preservation of their Religion and Laws, to give example to others of all Civil and Temporal Obedience which can be required or expected of Loyal Subjects.*

Whereupon We letting them know, that for the better clearing of Particulars, We expected from them the Grounds and Reasons of their Desires, but that We would not surprize them, and therefore gave them time to come prepared with their Grounds in Writing.

The Lord *Lowdon* said, *Their Desires were only to enjoy their Religion and Liberties, according to the Ecclesiastical and Civil Laws of the Kingdom; and in clearing Particulars, they would not insist upon any that were not such.*

This We willed him to set down in writing under his Hand, which he did in these words.

Memorandum, *That our desires are only the enjoying of our Religion and Liberties, according to the Ecclesiastical and Civil Laws of his Majesty's Kingdom; to clear by sufficient Grounds, that the Particulars which we humbly crave, are such, and shall not insist to crave any Point which is not so warranted: And that we offer all Civil and Temporal Obedience to your Majesty, which can be required or expected of Loyal Subjects.*

Signed, *Lowdon.*

To which We answered, That if their Desires were only the enjoying of their Religion and Liberties, according to the Ecclesiastical and Civil Laws of our Kingdom of *Scotland*, We do not only agree to the same, but shall always protect them to the uttermost of our

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our Power. And if they shall not insift upon any thing but that which is so warranted, We will most willingly and readily condescend unto it, so that in the mean time they pay unto Us that Civil and Temporal Obedience which can be justly required and expected of Loyal Subjects.

This being the Ground of the Agreement on both sides, We were pleased to proceed to a final Determination of this Business, which was brought to a Conclusion upon the 17th of June, 1639. And our Declaration of that Date conformable to these Grounds was thereupon made, which was not only accepted by those that came in the Name of all those of the Covenant, but most humble thanks were given to Us by them for Our gracious Answer vouchsafed to their Petition in the said Declaration; which was fully agreed upon, together with sundry Articles by all Parties.

The *Pacification* thus concluded, the Articles on both sides were to be performed accordingly. Those on Our part were in the Declaration following.

**W**E having considered the Papers, and Humble Petitions presented unto Us by those of Our Subjects of Scotland, who were admitted to attend our Pleasure in the Camp; And after a full hearing by our Self of all that they could say or allege thereupon, having communicated the same to our Council of both Kingdoms there present, upon mature deliberation, with their unanimous Advice, We have thought fit to give this just and gracious Answer.

That though We cannot condescend to ratify and approve the Acts of the pretended General Assembly at Glasgow, for many grave and weighty Considerations which have happened both before & since, much importing the Honour and Security of that true Monarchical Government lineally descended upon Us from so many of our Ancestors: Yet such is Our gracious Pleasure, That notwithstanding the many Disorders committed of late, We are pleased not only to confirm and make good whatsoever our Commissioner hath granted and promised in our Name, but also We are further graciously pleased to declare and assure, that according to the Petitioners humble Desires, all Matters Ecclesiastical shall be determined by the Assemblies of the Kirk, and Matters Civil by the Parliament, and other inferior Judicatories established by Law. Which Assembly accordingly shall be kept once a Year, or as shall be agreed upon at the General Assembly.

And for settling the general Distractions of that our Ancient Kingdom, our Will and Pleasure is, That a Free General Assembly be kept at Edinburgh, the sixth day of August next ensuing, where We intend (God willing) to be personally present. And for the legal Indiction whereof, We have given Order and Command to our Council; and thereafter a Parliament to be holden at Edinburgh the twentieth day of August next ensuing, for ratifying of what shall be concluded in the said Assembly, and settling such other things as may conduce



conduce to the Peace and Good of our Native Kingdom ; and there-  
in an Act of Oblivion to be passed.

And whereas We are further desired, that our Ships and Forces  
by Land be recalled, and all Persons, Goods, and Ships restored,  
and they made safe from Invasion, We are graciously pleased to de-  
clare, That upon their disarming and disbanding of their Forces,  
dissolving and discharging all their pretended Tables and Conventi-  
cles, and restoring unto Us all our Castles, Forts, and Ammunition  
of all sorts ; as likewise our Royal Honours, and to every one of  
Our good Subjects, their Liberties, Lands, Houses, Goods, and  
Means whatsoever, taken and detained from them since the late pre-  
tended General Assembly, We will presently thereafter recall our  
Fleet, and retire our Land-Forces, and cause restitution to be made  
to all Persons of their Ships and Goods, detained and arrested  
since the aforesaid time. Whereby it may appear, that our intention  
of taking up of Arms, was no ways for invading of our Native  
Kingdom, or to innovate the Religion and Laws, but meerly for the  
maintaining and vindicating of our Royal Authority. And since that  
hereby it doth clearly appear, that We neither have nor do intend  
any alteration in Religion or Laws, but that both shall be maintained  
by Us in their full Integrity, We expect the performance of that  
humble and dutiful Obedience which becometh Loyal and Dutiful  
Subjects, as in their several Petitions they have often professed.  
And as We have just reason to believe, that to Our peaceable and  
well-affected Subjects this will be satisfactory ; so We take God and  
the World to Witness, That whatsoever Calamities shall ensue by  
our necessitated suppressing of the Insolencies of such as shall con-  
tinue in their disobedient Courses, is not occasioned by Us, but by  
their own procurement.

‘ These Conditions in this Declaration that refer to the Time  
‘ past, have bin the most part of them already punctually complied  
‘ with by Us, that Clause excepted in which We express, We in-  
‘ tended to have bin at the General Assembly at *Edinburgh* ; which  
‘ yet being but an Intention, We had assuredly performed, but that  
‘ We were diverted by the Disorders committed by Our Tumultuary  
‘ Subjects in *Edinburgh*, upon the Persons of Our High Treasurer the  
‘ Earl of *Kinnoul*, Our Justice General Sir *James Hamilton*, Counsel-  
‘ lers of that our Kingdom, and divers others Our good Subjects there ;  
‘ which gave us just cause to suspect, that there could be no safety for  
‘ our Person, among People enraged so immediately after our Cle-  
‘ mency shewed to them in the *Pacification*.

‘ But one of the greatest Discouragements We had from going thi-  
‘ ther, was, The refusing of such Lords and others of that Nation  
‘ whom We sent for to come to Us to *Berwick* ; by which Disobedi-  
‘ ence they manifestly discovered their distrust of Us : And it cannot  
‘ be thought reasonable, that We should trust our Person with those  
‘ that distrusted Us, after so many Arguments and Assurances of our  
‘ Goodness towards them.



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‘ The Articles of *Pacification* agreed upon were these.

## I.

**T**he Forces of Scotland to be Disbanded and Dissolved within eight and forty hours after the publication of our Declaration, being agreed upon.

## II.

Our Castles, Forts, Ammunitions of all sorts, and Royal Honours to be delivered after the said publication, so soon as We should send to receive them.

## III.

Our Ships to depart presently after the delivery of the Castles, with the first fair Wind, and in the mean time no interruption of Trade or Fishing.

## IV.

We were graciously pleased to cause to be restored, all Persons, Goods, and Ships, detained and arrested since the first day of November last past.

## V.

No Meetings, Treatings, Consultations, or Convocations of any Our Lieges, but such as are warranted by Act of Parliament.

## VI.

All Fortifications to desist, and no further working therein, and they to be remitted to Our Pleasure.

## VII.

To restore to every one of Our good Subjects their Liberties, Lands, Houses, Goods, and Means whatsoever, taken or detained from them by whatsoever means since the aforesaid time.

‘ On Tuesday the 18th of June, those of Scotland came to our Pavilion, and there We signed the aforesaid Declaration, and the Articles were signed by them; who also signed another Paper of Submission to Us, as followeth.

In the Camp, June 18. 1639.

‘ In obedience to his Majesty’s Royal Command, we shall, upon Thursday next, the 20th of this June, dismiss our Forces, and immediately thereafter deliver his Majesty’s Castles, &c. and shall ever in all things carry our selves like Humble, Loyal, and Obedient Subjects.

Signed,

Roths.  
Dunfermling.  
Lowdon.

Douglas.  
Alex. Henderson.  
A. Johnston.

‘ Those of Scotland did likewise further promise and undertake, that Our foresaid Declaration should be read and published in their Army; which was accordingly done by Lyon King of Arms of Scotland, on Thursday the 20th, in the presence of the Earl of Morton, Sir Edmond Verney, and Sir John Borough, Our Commissioners sent thither to see the same performed.

‘ How



‘ How these Articles have bin performed on their part, comes  
‘ now to be considered, and will appear by that which follows.

First, ‘ Whereas We, by the publication of the Articles of Pacifi-  
‘ cation, expected that due respect and acknowledgment of our Au-  
‘ thority, which might have witnessed their Loyalty, and sense of  
‘ their Thankfulness for so great and royal Favour ; We found on the  
‘ contrary, that at the very publishing of it in their Camp, the same  
‘ was met with a Protestation, so scandalous and dishonourable to our  
‘ Government, as our Subjects were thereby rather encouraged in  
‘ their former mutinous Ways, than reduced to that Obedience which  
‘ they promised.

Secondly, ‘ They delivered into the hands of some of our English  
‘ Nobility, and spread among others, a scandalous Paper, Intituled,  
‘ *Some Conditions of his Majesty's Treaty with his Subjects of Scotland*  
‘ *before the English Nobility, are set down here for remembrance.* Where-  
‘ in are contained such Untruths, and seditious Positions, and so con-  
‘ trary to that which was concluded in the Articles of Pacification, as  
‘ thereby it did plainly appear, that however they pretended a desire  
‘ of Peace, yet they intended nothing less. This false and seditious  
‘ Paper coming to Our knowledg, was after, by the Advice, and  
‘ upon the humble Petition of our Privy Council here in *England*, and  
‘ particularly by such Noblemen as were pretended by them to be  
‘ Witnesses to the same, ordered to be damn'd by Proclamation, and  
‘ publicly burnt by the Hand of the Hangman ; which was done ac-  
‘ cordingly.

Thirdly, ‘ Whereas it was promised, That the Forces of that our  
‘ Kingdom of *Scotland*, raised without our Warrant, and against our  
‘ Self, should be disbanded and dissolved within forty eight hours af-  
‘ ter publication of Our said Declaration in their Camp ; they did  
‘ nevertheless for some time keep in Body divers Forces, and have  
‘ ever since held in Pay almost all their Officers, in manifest breach of  
‘ those Articles, contempt of our Royal Authority, contrary to the  
‘ Laws of that our Kingdom, and to the great danger of all our Sub-  
‘ jects, who did give Obedience to our Commandments there, which  
‘ clearly shewed their Intention of putting themselves again in Arms  
‘ against Us.

Fourthly, ‘ Whereas it was promised, That our Forts, Castles, and  
‘ Ammunitions should be restored so soon as We should send to receive  
‘ them ; yet full Restitution was not made accordingly. And for the  
‘ Fortification at *Leith*, which was with the rest remitted to our Plea-  
‘ sure, it stands entirely as it did, though We often commanded the  
‘ demolishing thereof.

Fifthly, ‘ It was promised there should be no Meetings, Treatings,  
‘ Tables, Consultations, Convocations, or Conventicles, but such as  
‘ are warranted by Act of Parliament, (and yet We were pleased to  
‘ give them Warrant to meet for the space of one Month, to Consult,  
‘ Advise, and Resolve upon such Affairs and Busineses as concerned  
‘ the Relief of their mutual Burthens only) : Nevertheless after that  
‘ Time expired, which was on the 20th day of *July* 1639, they did,  
‘ and do still continue their unlawful Meetings and Consultations upon  
‘ Matters of State, both Ecclesiastical and Civil, contrary to the Laws  
‘ and Acts of Parliament of that our Kingdom, and Our express War-  
‘ rant ; In which Conventicles they daily vex and trouble such of our



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jects as do not adhere to their Rebellious Covenant, and pretended Assembly at *Glasgow*, and the Acts of the same.

Sixthly, 'Whereas all Fortifications were to be remitted to our Pleasure to be demolished or continued, and We having given Commandment for the demolishing of them all, raised and built without our Warrant; no Obedience is given to the same, but they are still continued, to the fostering of Sedition among our Subjects, and the disturbance of the Peace of that our Kingdom.

Seventhly, 'Whereas all our good Subjects should have their Liberties and Goods restored to them; yet such is the violence and fury of the People, animated thereunto by the said Protestation, scandalous Papers spread, and seditious Sermons preached, as many of our said Subjects are deterred from going to their own Dwelling and places of aboad, and threatned with the loss of their Lives, in case they shall repair to their own Houses.

Eighthly, 'Whereas in our Declaration before mentioned, We did make known that We could not approve the late pretended General Assembly at *Glasgow*, for the Reasons contained in Our former Proclamations; yet contrary to that our Pleasure, they daily press our Subjects to subscribe the approbation of the said pretended Assembly, and Acts thereof, and to swear the same; so that whereas We did expect to have found our Subjects settled in Peace and Quietness against Our repair to *Edinburgh*, We heard of nothing but new Disorders, Meetings and Molestations of our Subjects, well affected to our Service; which as it doth evidently appear, by the insupportable Insolencies committed as aforesaid, upon the Persons of our High Treasurer the Earl of *Kinnoul* our Justice General, Sir *James Hamilton*, and others our Counsellors and good Subjects; so doth it clearly evince, that nothing was less intended than Obedience to our Authority, or performance of what was promised, or is due to Us in right of our Crown, and by the Laws of that our Kingdom.

Ninthly, 'Whereas We were pleased to grant a free General Assembly, for settling and composing the Divisions cunningly raised and fomented in the Church of that our Kingdom, expecting a fair choice of the Commissioners, and such as might stand with the respect due to our Authority, they did labour to pervert our Subjects by anticipating their Voices, in making them swear to, and subscribe the Acts of the pretended Assembly at *Glasgow*, and making choice of such Commissioners (and no others) as adhered thereunto, and by Oath were bound to maintain the same, and further, deterred others, whom We by our Warrant did lawfully call to the next Assembly, from repairing thereunto, threatening them with the loss of their lives, and what worse may be committed against their Persons, in manifest contempt of our Authority, and derogation from the freedom of the said Assembly.

Tenthly, 'To divert all Our good Subjects from their due Obedience to Us, and to debauch them to their factious Mutinies and Disorders; they brand all such as adhere to Us, and have attended our Person, with the vile aspersion of Traitors to God and their Country, threatening to proceed against them with Censures accordingly; as though the due respect given by them to Us, and their adhering to Us, and their assisting Us in their Persons, were Treason: Whereas by right of that our Crown, and the Acts of  
Parliament



‘ Parliament of that our Kingdom, all our Subjects are to rise with  
‘ Us, and to assist Us with their Bodies and Goods; and whosoever re-  
‘ fuses, or rises in Arms or Rebellion against Us, or commits any Act  
‘ of Hostility against our Sacred Person, are declared Traitors, and  
‘ are to incur the pain of High Treason.

Lastly, ‘ Their Disobedience appears in that unparallell’d contempt  
‘ of our Royal Authority, and shaking off all respect due to Sacred  
‘ Majesty, by their protesting that all Members of the College of Ju-  
‘ stice, and all our Lieges were not to attend the Session, and that all  
‘ Acts, Decrees, and Sentences therein past against any of them, shall  
‘ be null, void, and ineffectual, contrary to our express Warrant for  
‘ the down-fitting thereof, and to the heavy dammage of Our good  
‘ Subjects, who were thereby frustrated of Justice, taking by this  
‘ means our Royal Power out of our Hand, which alone belongeth  
‘ to Us; none but our Self being to command our Subjects to attend  
‘ the Session, or to discharge their attendance, as We in our Princely  
‘ Wisdom and Justice shall think fit.

‘ Having laid these insolent and seditious Foundations for a Parlia-  
‘ ment, it could not in reason be expected but a Structure to be raised  
‘ thereupon must be full of Disorder and Confusion; and indeed it  
‘ proved all of a piece: for in all the Progress of the Parliament, their  
‘ Actions and Demands were full of Undutifulness and Disloyalty, de-  
‘ nyng to Us the most essential and inherent Prerogatives of our  
‘ Crown, and striving by all means to change and alter the Constitu-  
‘ tions of the Parliament, and frame of Government; as appears by  
‘ their first Act, at and after the chusing of the Lords of the Articles;  
‘ where, in a most insolent and peremptory way they protested,  
‘ That nothing done, or to be done in Parliament, should be valid,  
‘ except the form of electing Articles heretofore observed were altered,  
‘ every Estate allowed to chuse their own Articles, contrary to the form  
‘ kept in former Parliaments for many Years, as will clearly be evinced  
‘ by the Records, and will be made appear by Persons of all Qualities  
‘ yet living, who assisted at the Parliaments, and were Members of  
‘ the same, in the Years 1612, and 1609, and contrary to the Provi-  
‘ sions and Conditions mentioned in the Act, 1587.

‘ By their Act likewise concerning the defining of the Power of  
‘ the said Articles, they press totally to subvert the Frame and Power  
‘ thereof. The Articles have bin, as is acknowledged by themselves,  
‘ ever since King *David Bruce* his Time, which is above three hundred  
‘ Years; and by the Lords of the Articles all Busineses are prepared,  
‘ and from them brought to the Parliament, as appears by divers Acts  
‘ of Parliament, and particularly by the fourth Parliament of King  
‘ *James the 6th*, cap. 218; in which for eschewing of Confusion and  
‘ impertinent Motions, all Propositions to be made in Parliament are  
‘ to be delivered to the Clerk Register, and by him presented to the  
‘ Lords of the Articles, that all frivolous and improper Motions may  
‘ be rejected; which Ancient Constitution they would subvert by the  
‘ aforesaid Act.

‘ So by the Act concerning the Constitution of the Parliament in  
‘ time to come, they urge, and thereby strive totally to alter the Frame  
‘ of the Parliament, and to confound and take away the third Estate;  
‘ wherein the Civil Power of Kings is so much concerned, as Our  
‘ Father

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‘ Father, and all his Predecessors in former Parliaments, both in time  
 ‘ of Popery, and since the Reformation of Religion, have bin most  
 ‘ careful to preserve and maintain the Dignity, Honour, and Privi-  
 ‘ leges of the third Estate ; as appears in *Anno 1560*, when all Church-  
 ‘ Jurisdiction in the Persons of Bishops is alleaged to be abolished ; and  
 ‘ in *Anno 1587*, when all the Temporalities of Benefices were annexed  
 ‘ to the Crown, the Clergy retained still their Vote in Parliament,  
 ‘ and represented the third Estate, and the Civil Power and Privileges  
 ‘ of the Church were still preserved, and again ratified, as appears by  
 ‘ the first Parliament of King *James 6. Cap. 24.* and by divers Acts of  
 ‘ Parliament, *Anno 1587, 1597, and 1609.* By all Which, and di-  
 ‘ vers other Acts of Parliament, it does clearly appear how much the  
 ‘ Kings, our Predecessors, have conceived their Civil Power, and the  
 ‘ Honour of their Crown to be concerned in the maintaining and  
 ‘ upholding of the Honour, Dignity, and Privileges of the three  
 ‘ Estates. Nay, by a special Act made in the time of King *James 6.*  
 ‘ *Parl. 8. cap. 130.* it is declared *Treason* to impugn the Authority of  
 ‘ the Parliament, and three Estates, or to procure the Innovation of  
 ‘ the Power and Authority of the same three Estates, or any of them:  
 ‘ And We would willingly know how they, or any of them, can  
 ‘ deny, but that they have sought the breach of this Act, and so are  
 ‘ guilty of *Treason*, and liable to the punishment thereof.

‘ Concerning the Act which they call *Rescissory*, they do not only  
 ‘ thereby seek to take away the Third Estate (which is *Treason*, as  
 ‘ aforesaid) but to annul many other Acts formerly made in favour  
 ‘ of the Crown : and farther, to bar Us, in a manner totally, from  
 ‘ Assembly, or Assembly-Business, and cut Us off from all those Powers  
 ‘ in Civil Affairs, which in the Court of that Kingdom are in conse-  
 ‘ quence hereupon ; by which it is evident how far they would  
 ‘ trench upon Regal Power, and how different it is from their Pro-  
 ‘ mise, which was, to desire nothing that is not warranted by Law.

‘ For the Act of *Oblivion*, in the Narrative and whole strain of it,  
 ‘ as it is formed, and desired by them to be past in Parliament, they  
 ‘ seek to justify themselves in all their Proceedings, and instead of an  
 ‘ Act of *Oblivion*, for which they petitioned Us at the Camp, they  
 ‘ urge an Act which amounts to a Justification to be recorded in the  
 ‘ Books of Parliament, altogether contrary to the nature of an Act  
 ‘ of *Oblivion*, and to that which ever heretofore hath bin desired in  
 ‘ like case, as appears by the Act of *Oblivion* in *Anno 1563.*

‘ And whereas by the Act of *Pacification*, Restitution is ordained to  
 ‘ be made to every one of Our Good Subjects of their Liberties,  
 ‘ Lands, Goods, and Means whatsoever, taken and detained from  
 ‘ them by any means since the aforesaid time ; this is not only not yet  
 ‘ performed, but as appears by the binding part of this Act, it is ne-  
 ‘ ver intended.

‘ And as by the above said Act of *Oblivion*, so by their Act of *Relief*,  
 ‘ they depart from that which was condescended to at the Camp :  
 ‘ for whereas upon their humble desire We were graciously pleased, by  
 ‘ a Commission dated at *Berwick, July 2. 1639*, to allow them the  
 ‘ liberty of Convening and Meeting, until a certain day, for distribu-  
 ‘ ting of their pretended Charges amongst such as should willingly  
 ‘ condescend thereunto ; they have not only without our Warrant  
 ‘ kept their Conventicles, and Tables, since the expiring of the fore-  
 ‘ said



‘ said Commission, contrary to the positive Laws of the Kingdom,  
 ‘ and *Act of Pacification*, and their own acknowledgment in petition-  
 ‘ ing for the aforesaid Commission, but by their said *Act of Relief*  
 ‘ they do most impudently urge upon Us, that by an *Act* of our Roy-  
 ‘ al Power, all Our good Subjects, who in the late Troubles and Com-  
 ‘ motions did adhere to Us, and shew themselves ready to defend our  
 ‘ Royal Authority, should be made equally, if not more liable to the  
 ‘ defraying of their pretended Charges. So by the *Act* it self, We are  
 ‘ pressed to justify and authorize all their Rebellions and Treasons, and  
 ‘ to constrain the Innocent, and those that have suffered most for be-  
 ‘ ing faithful and loyal to Us, to contribute to those Rebellions and  
 ‘ Treasons; than which there can be nothing more Tyrannical, nor  
 ‘ contrary to Justice and our Honour.

‘ Concerning their Demands, although in all their Petitions, De-  
 ‘ clarations, and Remonstrances, they profess, That they will never  
 ‘ incroach upon Sovereignty, nor diminish our Royal Authority; yet  
 ‘ notwithstanding by their Demands made in Parliament, and the Rea-  
 ‘ sons of them given to our Self, they strike at the very Root of our  
 ‘ Regal Power. For they desire,

First, ‘ That the Coin be not medled with but by advice of Par-  
 ‘ liament.

Secondly, ‘ That no Stranger be entrusted with keeping of our  
 ‘ Castles, nor other Person put in them, but by advice of the  
 ‘ Estates.

Thirdly, That no Patent of Honour be granted to any Stranger,  
 ‘ but such as have a competency of Land-Rent in *Scotland*.

Fourthly, ‘ That no Commission of Justiciary or Lieutenancy may  
 ‘ be granted but for a limited time.

Fifthly, ‘ They protest likewise against the Precedency of our Lord  
 ‘ Treasurer, and Lord Privy-Seal, because as they allege the same is  
 ‘ not warranted by a positive Law.

‘ All which, though they are so essentially belonging to Us as their  
 ‘ King, that for the most part they answer themselves; yet We have  
 ‘ thought it not unfit to give the World this satisfaction concerning  
 ‘ them.

‘ And first for the Coin; It is a Prerogative most peculiar to the  
 ‘ Crown, and none can meddle with it but by our Consent, with-  
 ‘ out incurring the punishment of High-Treason, as it is in all King-  
 ‘ doms.

‘ In the second and third, There lurketh a great deal of Malignity  
 ‘ and Poison, and they are intended meerly against the *English*, whom  
 ‘ they would account Strangers; as appears by the Exception lately  
 ‘ taken by those of *Edinburgh* to those *English* sent by Us to the Ca-  
 ‘ stles of *Edinburgh* and *Donbarton*. This is a most dangerous and  
 ‘ seditious Practice, to raise again the Partition-Wall between the  
 ‘ two Nations, and to divide them, thereby to awaken those ancient  
 ‘ National Animosities, which have bin most happily laid asleep by  
 ‘ the blessed Union of the two Crowns: And besides, the great dis-  
 ‘ honour to the *English*, that they should not be held worthy to enjoy  
 ‘ any Dignities or Priviledges in *Scotland*, as well as the *Scots* do in *Eng-*  
 ‘ *land*: It is an injury to themselves, For it is most just, that by the  
 ‘ same



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‘ same Rule the *Post-nati* of *Scotland* (who are now admitted here to  
 ‘ all Dignities, Privileges, and Offices, and do enjoy them as freely  
 ‘ as any *English* whatsoever) should be likewise excluded from them,  
 ‘ for which most of their Country-man here would give them little  
 ‘ thanks. But what Religion there can be in shewing themselves such  
 ‘ Incendiaries, We leave it to the World to judg.

‘ To the fourth; Some of themselves have obtained from Us the  
 ‘ heritable Rights of Justiciary, over a considerable part of that our  
 ‘ Kingdom; and why our Power should be more limited to others  
 ‘ than to them, We understand not.

‘ To the fifth; No Man that is not a Traytor, can deny that the  
 ‘ Source and Fountain of all Honour is in Us, and that is a prime  
 ‘ Branch of our Crown to distribute Honours, Dignities, and Prece-  
 ‘ dencies to whom We please; and besides, the Chancellor of that  
 ‘ our Kingdom, holds his Place and Precedency without any Warrant  
 ‘ or positive Law, but meerly from Our immediate and Inherent  
 ‘ Power; and therefore why not our Treasurer and Privy-Seal as  
 ‘ well as he?

‘ They further boldly demand the rescinding the Acts of Parlia-  
 ‘ ment concerning the Civil Government; namely, the Act concern-  
 ‘ ing the Judicatory of the *Exchequer*, the Act concerning *Proxies*,  
 ‘ the Act concerning *Confirmation of Ward-Lands*; by which they  
 ‘ would overthrow both our Government and Revenue.

‘ When We found them thus pertinaciously resolved to persist in  
 ‘ these their insolent and unsufferable Demands, contrary to all Reli-  
 ‘ gion and Laws, though they so much pretend them both, we signi-  
 ‘ fied our Pleasure to our Commissioner the Earl of *Traquair*, to this  
 ‘ purpose;

**T**hat whereas it did evidently appear unto Us, that the aim of  
 divers of our Subjects was not now for Religion, as they have  
 always pretended, (for it was manifest by the proceeding of Our said  
 Commissioners, how willing We had bin to give satisfaction both in  
 Assembly and Parliament, touching all such things as were promised  
 by Us, or sued for by them under that Name of Religion); And  
 that We did perceive, by many new strange Propositions, that no-  
 thing would give them content but the alteration of the whole Frame  
 of the Government of that Kingdom, and withal, the total over-  
 throw of Royal Authority, We held it must now be Our care and en-  
 deavour to prevent that which did so nearly concern Us in Safety  
 and Honour; and if thereupon We should immediately command  
 the dissolving of the Parliament, it were no more than justly might  
 be expected from Us. Nevertheless, such was still Our tenderness  
 of their preservation, and of the establishment of a perfect Peace in  
 that our Native Kingdom, as We were pleased rather to prorogate  
 the same, and to hear such Reasons as they could give for their de-  
 mands. Wherefore We commanded Our said Commissioner to pro-  
 rogate the Parliament until the second of June next ensuing, and  
 that (since they had disputed it) by our Authority only; We hold-  
 ing it no way fitting, that any assent of theirs but Obedience should  
 be had to that Act, which doth so properly belong to Us as their  
 King; and if they should presume to Protest, sit still, and disobey  
 this our Royal Command, Our further Will and Pleasure was,

That



That Our said Commissioner should discharge their so doing under pain of Treason. But in case of their Obedience, and dissolving according to our Command, then We did require Our said Commissioner to declare unto them, That We would not only admit to Our presence such as they should send unto Us to represent their Desires, and the Reasons of them, but would likewise, as We were ready always to do, punctually perform whatsoever We did promise. In the interim, We commanded himself with all convenient speed to repair hither, and to bring with him all that had passed, or had bin demanded, both in Assembly and Parliament, that so We might not only be more perfectly inform'd of all Proceedings, but likewise consult with him and those of our Council, what course would be best for the preservation of our Honour, and the happy accommodation of this Business.

‘ This Our Command being signified to the Parliament by our Commissioner, was not assented unto without a *Protestation*, which they call a *Declaration of the Parliament*, to this purpose.

That whereas John Earl of Traquair, his Majesty's Commissioner, honoured with a most ample Commission, according to his Majesty's Royal Word, having closed the Assembly, and sitting in Parliament with them a very long time, for debating and preparing such Articles as were to be represented in face of Parliament, did now take upon him, and that without the consent of the Estates, and without any Offence on their part, who have endeavoured in all their Proceedings to witness their Loyalty to the King, and Duty to his Grace, as representing his Majesty's Sacred Person, to prorogate the Parliament upon a private Warrant, procured by sinister information, against his Majesty's publick Patent under the Great Seal, &c. whereby he heavily offends all his Majesty's good Subjects, and endangers the Peace of the whole Kingdom, for which he must be liable to his Majesty's Animadversion, and to the censure of the Parliament, this being a new and unusual way, without precedent in this Kingdom, contrary to his Majesty's Honour so far engaged for present ratifying the Acts of the Kirk, contrary to the Laws, Liberties, and perpetual practice of the Kingdom; by which all continuation of Parliament once called, convened, and begun to sit, have ever bin made with expresse consent of the Estates, as may be seen in the Raigns of sundry Princes, &c. Therefore we the Estates of Parliament, &c. are constrained in this Extremity to manifest and declare, &c. That as we have not given the least cause, or smallest occasion of this unexpected or unexemplified Prorogation, so we judg and know the same to be contrary to the Constitution and Practices of all preceding Parliaments; contrary to the Liberties of this free and ancient Kingdom, and very repugnant to his Majesty's Royal Intentions, Promise, and gracious Expression in the Articles of the late Pacification, &c. And we do further declare, That any Prorogation made by the Commissioner's Grace alone, without consent of the Parliament, by himself, or any Commissioner in his Name, under the Quarter Seal, or by the Lords of the Council, who have no power at all in Matters of the Parliament, during the sitting thereof, shall be ineffectual and of no force at all to hinder the lawful Proceedings of the Subjects, and the doers thereof to be censurable in Parliament. And further we declare, That the Commissioner his nomination of the Articles by himself, his calling together

Jac. 6.  
Qu. Mary.  
Jac. 5.  
Jac. 4.  
Jac. 3.  
Jac. 2.  
Jac. 1.



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those Articles, and commanding them to sit continually and proceed, notwithstanding their daily Protestations to the contrary; his keeping frequent Sessions of Council, and determining Causes in Council, during the time of Session in Parliament; His calling down and calling up of Money during the Session of Parliament, without consent of the Estates of Parliament; notwithstanding the Parliament had taken the Money into their consideration, and had purposed to have given their advice for a determination there-  
 anent; His frequent prorogating of the riding of the Parliament, without consent of the Estates, or mentioning in the Acts of Prorogation, the consent of the Articles, although it were done by their advice, are contrary to the Liberties of the Kingdom, Freedom and Custom of Parliament; and that they be no Preparatives, Practicks, nor Prejudices in time coming against us, or our Successors. But because we know that the Eyes of the World are upon us, that Declarations have bin made and published against us, &c. that our Proceedings may be made odious to such as know not the way how these Commandments are procured from his Majesty, nor how they are made known nor intimate to us, and do as little consider that we are not private Subjects, but a sitting Parliament; or what National Prejudices we have sustained in time past by mis-information, and what is the present case of the Kingdom; We therefore declare, that whatsoever by the example of our Predecessors in like cases of necessity, by his Majesty's Indicti-  
 on, and by the Articles of Pacification, we might do lawfully in sitting still; and which in this extream necessity were justifiable, not only before so just a King, but to the Faces of our Adversaries; Yet out of our most reverend regard, and humble desire, to render not only all real demonstra-  
 tions of Civil Obedience, but to put far from us all shew or appearance of what may give his Majesty the least discontent, we have resolved for the present only to make remonstrance to his Majesty of the reason of our Pro-  
 positions and Proceeding in this Parliament, &c. And in expectation of his Majesty's gracious Answer to these our humble Remonstrances, some of each Estate having power from the whole Body of the Parliament, re-  
 main still here at Edinburgh, to attend the return of his Majesty's gra-  
 cious Answer to our humble and just Demands: And further, to remon-  
 strate our humble Desires to his Majesty upon all Occasions, that hereby it may be made most manifest against all contradiction, that it was never our intentions to deny his Majesty any part of that Civil and Temporal Obedi-  
 ence which is due to all Kings from their Subjects, and from us to our dread Sovereign after a more especial manner, but meerly to preserve our Religion and Liberties of the Kingdom, without which Religion cannot continue long in safety: And if it shall happen (which God forbid) that after we had made our Remonstrances, and to the uttermost of our power and duty used all means for his Majesty's Information, that our malicious Enemies, who are not considerable, shall by their Suggestions and Lies pre-  
 vail against the Informations, and general Declaration of a whole Kingdom, we take God and Men to witness, That we are free of the Outrages and Insolencies that may be committed in the mean time, and that it shall be to us no imputation, that we are constrained to take such course as may best secure the Kirk and Kingdom from the extremity of Confusion and Mi-  
 sery.

Which Declaration above-written, we the Estates of Parliament, required the Clerk to insert in the Records thereof, and grant Extracts thereof under his Hand and Subscription.

This



*This Declaration was produced and read in the outer House of Parliament, upon Decemb. 18. 1639. according whereunto the Nobility nominated and appointed the Earls of Lothian and Dalhousie; the Lords, Yester, Balmerino, Cranston, and Napier: The Barons nominated the Commissioners of the three Lothians, Fife and Twedail: The Burroughs nominated the Commissioners of Edinburgh, Linlithgow, Sterling, Haddington, Dunbar, to attend at Edinburgh the return of his Majesty's gracious Answer to their humble Remonstrance.*

' In this Protestation or Declaration, though there be a specious shew, and sundry professions of Obedience to Us, yet it is evident they have wounded our Authority in the Person of the Earl of Traquair our Commissioner, who did nothing in that Prorogation but by Our special Commandment; and therefore for that they cannot censure him without reflection upon Us: And besides, it is positively affirmed, That any Prorogation made by the Commissioner alone, without consent of the Parliament, shall be ineffectual, and of no force; which necessarily implies, That We have no power to Prorogue, whereas the contrary is most manifest Truth. And though upon our Command there was a shew of Prorogation, yet they continued part of their Body at Edinburgh, upon pretence of receiving our Answer to their Remonstrance; which, if it shall not be to their liking, they conclude with a menacing Protestation, That it shall be no imputation to them, if they be constrained to take such course as may best secure the Kirk and Kingdom from the extremity of Confusion and Misery; having first taken God and Man to Witness, That they will be free of all Outrages and Insolencies that may be committed in the mean time; than which nothing can be more boldly and insolently spoken.

' After this, these divided Members of that distracted Parliamentary Body remaining thus at Edinburgh, did send the Earl of Dunfermling and the Lord Lowdon as their Deputies, to make their Remonstrance to Us. But because We understood that they came without Warrant or Licence from our Commissioner, and had not acquainted him with what they were to propound unto Us, We held this like the rest, a great and insufferable Disobedience, and would not admit them to our Presence coming in this manner; and so commanded them to return without hearing them.

' Then our Commissioner came hither, and made a Report to Us of the state of our Affairs there; with which We thought fit to acquaint the Lords of our Council of England, as also with this Carriage of the Parliament in Scotland, and to advise with them what was to be done for redress of these Disorders. Whereupon We commanded Our said Commissioner, the Earl of Traquair, to make relation to the Board of all their exorbitant Demands, of which some account hath bin formerly given them by the Lord Marquess Hamilton. Upon this our Command, the Earl of Traquair made a large and exact representation to the Board of the most considerable Matters proposed and agitated in Parliament, and of the insolency of their Demands; and the Petitioners themselves sent from Scotland, have since their coming to Us insisted upon all and every Particular of Our said Commissioner's Relation, and in a most bold way offered to justify them all; by which they have more than justified

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the Report of the said Earl of *Traquair*.

‘ Whereupon We were further pleased to acquaint the Lords, that they had lately sent Us a Petition, which carried some shew of submission and humility, but was indeed nothing less, wherein they desired, that some might be allowed to come from them to Us, to represent their Affairs; which to make our Subjects of *Scotland* the more inexcusable, We told the Lords We had granted, though We had little cause to hope for any good from those that had so much forgotten their Duty and Allegiance to Us.

‘ When the Lords had heard the Relation of our Commissioner, We thought fit upon the whole Matter to put this Question to them, Whether considering the insolency and height of these Demands, even concerning Civil Obedience, it were not fit to reduce them to their Duty by force, rather than to give way to these Demands, so prejudicial to Us in Honour and Safety? To this We commanded every one of our Council to give his Answer, and to declare his Opinion by Vote; which was accordingly done, and they unanimously voted in the *Affirmative*: Whereupon soon after We resolved to call a Parliament.

‘ After this, our Subjects in *Scotland*, according to the Answer We gave them upon their Petition, having sent up hither four Deputies, viz. the Earl of *Dunfermling*, the Lord *Lowdon*, Sir *William Douglas*, and Mr. *Berkeley*; We were pleased to admit them to Our Presence, and to receive Petitions from them, which were after by our Direction subscribed by them; in one of which they, in the Name of the Assembly convened at *Edinburgh*, gave Us thanks for that We had made known to them, that all Matters Ecclesiastical should be determined in free National Assemblies, and Matters Civil in Parliaments, and desired our Ratification of the Constitutions of the Assembly in Parliament: And in the other they desired to be heard before Us, and some of our Council of both Kingdoms; and that the Report made by the Earl of *Traquair* to our Council here in *England*, might be delivered them in writing under his hand, which was a most insolent demand.

‘ Immediately after this, We thought fit to appoint a special Committee of some of our Council to hear them, and accordingly gave order to the Earl of *Traquair* to assign them a day to come to that Committee. They refused to come, alleaging that they had Order and Instructions to treat with none but our Self: Whereupon We appointed them to attend Us at the Committee, though it were the day of Our appointed remove to *Hampton-Court*; at which time they did attend Us accordingly.

‘ There the Lord *Lowdon* made a long Speech, the effect whereof was, A Protestation of the Independency of the Parliament of *Scotland*, and that it is subject to no other Judicatory; a profession of their Loyalty and Affection to Us, and a Justification of their Proceedings in the Assembly and Parliament, as agreeable to the *Articles of Pacification*, and to the Laws and Practices of that Kingdom; and thereupon a desire, That We would ratify and confirm those their Proceedings; and to that purpose command that the Parliament might proceed freely, for the determining of all the *Articles* delivered into them, and the establishing of Religion and Peace in the Kingdom;



‘ Kingdom ; undertaking that whatsoever Objections or Informations  
‘ should be made against their Proceedings in Parliament, (if they  
‘ might receive them in writing) they would make answer to  
‘ them.

‘ This Discourse ended, We demanded what Power and Commis-  
‘ sion they had to give Us satisfaction, and to oblige those from whom  
‘ they came ? seeing if they had none, We should hear them upon  
‘ great disadvantage, they expecting Satisfaction from Us who have  
‘ Power to give it, but they none to render the like to Us.

‘ They answered, That which they should propose (it being agree-  
‘ able to Law) they were confident would give Us Satisfaction.

‘ We asked who should be Judg of that ? They answered, The  
‘ Laws would be so clear that there should be no need of a Judg.  
‘ And though We insisted much hereupon, they would give Us no  
‘ other Satisfaction ; they avowing they had Powers, and would bring  
‘ them to Us ; they were ordered to do so at the next Meeting, and so  
‘ for that time were dismissed.

‘ After Our return from *Hampton-Court*, they attended Us at the  
‘ Committee again ; Where they produced Instructions signed by some  
‘ *Scotish* Lords, and others Persons of no great eminency ; which In-  
‘ structions having bin read, were judged by Us, (all the Committee  
‘ concurring in the same Opinion) to be no Commission, nor that  
‘ they had any Power or Authority by them to give Us Satisfaction,  
‘ or to oblige those from whom they said they came, to any thing  
‘ that We should yield to, or desire. Wherefore We demanding  
‘ whether they had any other Power ? they said, They had a Paper  
‘ formerly subscribed by some of the Lords in Parliament, by which  
‘ the Earl of *Dunfermling* and Lord *Lowdon* were only authorized to  
‘ come, and present their Justification to Us, and they could for the  
‘ present have no other, the Parliament now not sitting. Whereupon  
‘ We advising seriously with the Committee what was best to be done  
‘ in this weighty Business ; and considering, That if they should be  
‘ dismissed without further hearing, they would take occasion to cla-  
‘ mour, although We held our Self bound neither in Honour nor  
‘ Justice to hear them any further, (they having offered no Founda-  
‘ tion for an Accommodation, nor having Power to do it) yet to  
‘ the end that no colour of sinister Construction might be left, and  
‘ that We might justify our Self to God and the World, that We  
‘ have omitted nothing on Our part that might tend to Peace, and to  
‘ the settling of a better Intelligence between Us and them, We did  
‘ resolve that We would continue to hear them, and make Our Ob-  
‘ jections to such Particulars as had bin proposed in Parliament, and  
‘ against which We had just grounds of Exception, that so it might  
‘ appear whether they could give Us that satisfaction which they had  
‘ promised and presumed.

‘ This We having declared to them, not one of them made shew  
‘ of the least sense of this Our Grace and Goodness so expressed to  
‘ them ; which the Lord Marquess *Hamilton* observing, took occasion  
‘ of himself to say, That though he was not of their Company, yet  
‘ being a *Scots* Man, he held himself obliged to acknowledg with all  
‘ humility this Our singular and princely Favour to his Country, and  
‘ besought Us to accept his most humble thanks for it. This drew  
‘ them

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‘ them on to do the like, and so they presented their humble Thanks  
‘ to Us on their knees.

‘ At the next meeting of the Committee, the said Petitioners pro-  
‘ duced the Paper above-mentioned, subscribed by some of the Lords  
‘ remaining at *Edinburgh*, as aforesaid, by which the Earl of *Dunferm-*  
‘ *ling* and Lord *Lowdon* only were heretofore authorized to come and  
‘ present their Justification to Us: which Paper being read, the whole  
‘ Committee agreed that the Petitioners had no Power by this Paper,  
‘ no more than by the former, to give Us any Satisfaction, or to ob-  
‘ lige those from whom they came, but only to endeavour to justify  
‘ themselves, and the former Proceedings of the Parliament. Of all  
‘ this We were pleased to give account to Our whole Council of *Eng-*  
‘ *land*, who unanimously concurred in Opinion with the Committee,  
‘ That the above-mentioned Papers gave them no Power at all. Ne-  
‘ vertheless We were contented, according to Our promise, to hear  
‘ them; and We did make Objections to the most exorbitant of their  
‘ Demands: But their Answers were very impertinent, and rather Ju-  
‘ stifications of them, than any way Satisfactory: Which could not be  
‘ otherwise, seeing those Demands were for the most part so contrary  
‘ to Law and Monarchical Government, that they did answer them-  
‘ selves; as by our Answer to them formerly set down more particu-  
‘ larly may appear.

‘ Concerning our Promise of a Free Parliament, no Man of ordi-  
‘ nary sense can imagine We ever intended it should be so free, as not  
‘ to be limited with their own Conditions, subscribed by the Lord  
‘ *Lowdon*, which were to enjoy their Religion and Liberties, accord-  
‘ ing to the Ecclesiastical and Civil Laws of that our Kingdom; and  
‘ if they pass these Bounds, as it is evident they have done, We re-  
‘ main disobliged, unless they will have Us only obliged, and them-  
‘ selves left at liberty to fly at our Monarchical Government, without  
‘ controul, to wrest the Scepter out of our Hand, to rob our Crown  
‘ of the fairest Flowers belonging to it, and to destroy our Regal  
‘ Power and Authority, as manifestly they have endeavoured to do  
‘ by their insufferable intended Acts and Demands, contrary to all Law  
‘ and Reason.

‘ If it be further Objected, That they assume this liberty by our  
‘ allowing of the Covenant, and commanding Our former High Com-  
‘ missioner the Lord Marquess of *Hamilton*, and other our Subjects, to  
‘ subscribe it; the Answer is very ready, That there is a great diffe-  
‘ rence between the Covenant and Band subscribed by our Command-  
‘ ment, and their Band; for that Covenant and Band was made by  
‘ Our late Father King *James* of blessed Memory, *Anno* 1580, and  
‘ obligeth those that swear to It, that they should mutually assist one  
‘ another, as they should be commanded by the King, or any autho-  
‘ rized by him. But this new Band was made without Our consent,  
‘ and by it they swear mutually to assist one another, not excepting  
‘ the King, which is indeed a meer cunning Combination against the  
‘ King. Besides, when any have bin required to subscribe the Cove-  
‘ nant, as the Lord Marquess *Hamilton* was, and did, and in that sense  
‘ which he declared in print, the principal Heads of them did not on-  
‘ ly refuse it themselves, but dissuaded (as much as in them lay) all  
‘ Our good Subjects from subscribing it, though the Covenant were  
‘ all one with theirs, and so acknowledged by themselves: Whereby

‘ it



‘it doth evidently appear, that it was not Religion they aimed to se-  
‘cure, (as they pretended) for then they would have acquiesced  
‘with these our Commands, but meerly by adhering to their own  
‘Band, to keep our Subjects in that condition, as they might be al-  
‘ways tied, and conceive themselves obliged by Oath to take up Arms  
‘against Us whensoever the time should be fit for a total Rebellion ;  
‘which they have never left endeavouring till they have brought it to  
‘pass : So that by Our approbation of the old Covenant and Band, or  
‘by the Subscription of our Commissioner, they can have no solid  
‘Foundation to justify their now Proceedings ; and it will hardly ap-  
‘pear that ever any Covenant was made in the Christian World (ex-  
‘cept in Cases of Rebellion and Treason, as this is) where the Head  
‘was left out, or had not a Negative Voice.

‘Neither can the Earl of *Traquair*, our High Commissioner his  
‘Subscription, or allowance of the subscription of the Covenant, be  
‘any Warrant for their rebellious Courses ; seeing, as appears by their  
‘own Petitions to him, they declare, that, *Now following the laudable*  
‘*Example of their Predecessors, they do humbly supplicate for the same,*  
‘*and that they may be allowed and warranted to subscribe it :* Which clear-  
‘ly evinces, that what they did before, and of themselves, without  
‘warrant of Authority, was neither laudable nor warrantable : As  
‘also before the allowing thereof by the said Earl of *Traquair*, it is  
‘acknowledged (as appears by that which is prefixt to his Subscrip-  
‘tion) that it is one and the same Covenant with that of 1580; which,  
‘as appears by the Reasons heretofore deduced, will no way infer any  
‘ground, or the least shadow of Reason for their treasonable Combi-  
‘nations, or taking up of Arms against Us, or our Authority, or any  
‘denial of our Negative Voice.

‘Now upon debate of this Point at the Council Board, the Lords  
‘were of Opinion, that until the Petitioners sent from the Covenan-  
‘ters would acknowledg that the Supream Magistrate must have Au-  
‘thority to call Assemblies, and to dissolve them, and to have a Ne-  
‘gative Voice in them, as is accustomed in all Supream Powers of  
‘Christendom, they ought not to be heard.

‘If they shall allege (as they did when they came to the Commit-  
‘tee) that their Demands aforesaid were but Matters *in fieri*, and not  
‘absolutely resolved nor concluded : it is to be answered, That the Im-  
‘pediment was not on their part that they were not concluded. Nay,  
‘the Lord *Lowdon* in his first Speech to Us at the Committee, did not  
‘only justify their Proceedings in the Assembly and Parliament, as  
‘agreeable to the *Articles of Pacification*, and to the Laws and Pra-  
‘ctice of that Kingdom, but did desire that We would ratify and  
‘confirm those their Proceedings, and to that purpose command that  
‘the Parliament might proceed freely, and determine anent all those  
‘*Articles* delivered in to them. Howsoever, good Subjects ought to  
‘be wary how they come near the suspition of Rebellion or Treason,  
‘much more how they make Demands that carry with them more  
‘than a suspition of rebellious and treasonable Intentions, as these  
‘above-mentioned most manifestly do.

‘Now besides the Insolencies and Acts of Rebellion and Treason  
‘above-mentioned, committed before, and in the Assembly and Par-  
‘liament, We cannot but observe and publish to the World, that  
‘their Carriage hath bin no less exorbitant since the Parliament, and  
‘since

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‘ since the coming of their Petitioners hither than before : for without  
 ‘ any Authority or Commission from Us, they have taken upon them  
 ‘ to leavy and raise Forces in several parts of that our Kingdom, in  
 ‘ great numbers, which they have continually exercised and trained,  
 ‘ and have assigned them a Rendezvouz, and a day to be in a readi-  
 ‘ nefs to march.

‘ They have made Provisions of great quantities of Artillery, Mu-  
 ‘ nition, and Arms, from Foreign Parts, which they have ready in  
 ‘ Magazine to make use of against Us their Sovereign.

‘ They have of themselves laid Taxes and Impositions of ten Marks  
 ‘ in every hundred, upon all and every our Subjects, according to their  
 ‘ several Revenues, to be levied upon their Estates, for the mainte-  
 ‘ nance of this Rebellion; and this they have exacted with the greatest  
 ‘ rigour and tyranny that can be imagined, howsoever they pretend  
 ‘ the Contribution to be voluntary.

‘ They have caused to be framed and published, as well in Manu-  
 ‘ script as in Print, sundry false, seditious, and scandalous Papers and  
 ‘ Pamphlets, concerning our Proceedings with them; and amongst  
 ‘ others, one intituled, *An Information from the Estates of the King-  
 ‘ dom of Scotland, to the Kingdom of England, &c.* which having come  
 ‘ to Our knowledg, We caused it to be read publickly at our Council  
 ‘ Table; and the Lords in detestation thereof became humble Suitors  
 ‘ to Us, that it might be suppressd by Proclamation, and burnt by  
 ‘ the Hand of the Hangman, which hath bin done accordingly.

‘ They have refused the Lord *Estrick*, Governour of our Castle at  
 ‘ *Edinburgh*, Timber, and other Materials necessary for reparation of  
 ‘ the Works lately fallen down there, notwithstanding Our expresse  
 ‘ Commandment by our Letters to them upon their Allegiance to fur-  
 ‘ nish them.

‘ They have committed sundry Outrages and Violences upon the  
 ‘ Persons of some of the Garison at *Edinburgh*, that came out of the  
 ‘ Castle to buy Victuals.

‘ They have begun to raise Works and Fortifications against the said  
 ‘ Castle, thereby to block up that our Royal Fort, and to render it  
 ‘ unuseful. And they have fortified sundry other Places in that Our  
 ‘ Kingdom, and particularly *Insgarvy*, where they have mounted di-  
 ‘ vers pieces of Ordnance.

‘ They have lately imprisoned the Lord of *Southesk*, and sundry  
 ‘ others of Quality, for not adhering to them, and for their fidelity  
 ‘ to Us.

‘ And whereas We have upon sundry occasions signified Our Plea-  
 ‘ sure to the Magistrates of *Edinburgh* for the performance of such  
 ‘ things as have concerned our Service : instead of yeelding Obedi-  
 ‘ ence, they have made answer, That *they have delivered up the power  
 ‘ of governing the Town, into the hands of the Committee of the pretended  
 ‘ Tables*, by which they have not only voluntarily disabled themselves  
 ‘ to serve Us, but have incurred the guilt of High Treason, by con-  
 ‘ ferring upon any that power of Government which they derive and  
 ‘ hold from Us alone, and cannot be resigned to any other without  
 ‘ our special Warrant and Command.

‘ But to fill up the measure of their Treasons, they have endeavou-  
 ‘ red to settle Intelligences in parts beyond the Seas, and practised to  
 ‘ let in Foreign Power into that our Kingdom, as We are able to  
 ‘ make



‘ make appear under the hands of some of the chiefest of them ; as  
 ‘ if the Fire, which by their own Rebellions they have already kind-  
 ‘ led within the Bowels of that State, were not sufficient to consume  
 ‘ it, unless they added fuel to it from abroad. And herein appears  
 ‘ first their malignity to Us their natural Sovereign, in that they had  
 ‘ rather prostitute themselves to a Foreign Government, and such as  
 ‘ is different in Religion, than yield conformity to Ours. And then  
 ‘ secondly, We cannot but take notice that the Interests and Safety of  
 ‘ our Self, and this our Kingdom of *England*, are highly concerned  
 ‘ herein : For if a Stranger once take footing in those Northern  
 ‘ parts, it is not hard to judg how easily he may be invited by such  
 ‘ Guides as they, and such an entrance as they will readily give him,  
 ‘ to draw nearer to this warmer Climate of the South ; and then how  
 ‘ much the *English* Nation are likely to be beholden to their Scottish  
 ‘ Neighbours for such Inmates, is left to every true English heart sadly  
 ‘ to consider, and in time to endeavour to prevent, lest he be over-  
 ‘ taken unawares by the mischief which threatens every one in par-  
 ‘ ticular, and the whole Nation in general ; and yet all this with them  
 ‘ is Religion and Laws.

‘ But because the World shall see that We charge them not but  
 ‘ upon very good and sure Grounds, We have thought fit to set down  
 ‘ here their own Letter : Of which We have given Our good Brother,  
 ‘ the *French* King, an account, being confident he will not assist any Re-  
 ‘ bels against Us. The Letter follows, with this Endorsement, *Au Roy*,  
 ‘ which in *France* is always understood from those Subjects only to  
 ‘ their Natural Prince.

SIRE,

**V**ostre Majesté (estant l'asyle & sanctuaire des Princes & Estats  
 affligéz) nous avons trouvé nécessaire d'envoyer ce Gentilhomme le  
 Sieur de Colvil, pour représenter a V. M. la candeur & naïveté tant de  
 nos actions & procédures, que de nos intentions, lesquelles nous desirons  
 estre graveés & escrites à tout l'univers avec un ray du Soleil, aussi bien  
 qu'à V. M. Nous vous Supplions doncques tres humblement (Sire) de  
 luy adjouster foy & creance, & a tout ce qu'il dira de nostre part, touchant  
 nous & nos affaires ; estans tresasseurés (Sire) d'une assistance esgale a  
 Vostre clemence accoustumée cydevant, & si souvent monstree a ceste  
 Nation, laquelle ne cederà la gloire à autre quelconque d'estre éternelle-  
 ment ;

Sire,

de V. M.

Les tres humbles, & tres obeysants,  
 & tres affectionés serviteurs,

Roths.

Montrose.

Leslie.

Marre.

Montgomery.

Loudoun,

Forrester.

S s s s s

Englisht

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Englished thus ;

S I R,

**Y**our Majesty being the Refuge and Sanctuary of afflicted Princes and States, we have found it necessary to send this Gentleman Mr. Colvil, to represent unto your Majesty the candour and ingenuity, as well of our Actions and Proceedings, as of our Intentions, which we desire to be engraved and written to the whole World with a Beam of the Sun, as well as to your Majesty. We therefore most humbly beseech you (Sir) to give faith and credit to him, and to all that he shall say on our part, touching us and our Affairs ; being most assured (Sir) of an Assistance equal to your wonted Clemency heretofore, and so often shewed to this Nation, which will not yield the Glory to any other whatsoever to be eternally,

Sir,

Your Majesty's most humble, most obedient,  
and most affectionate Servants,

Roths.

Montrose  
Montgomery.  
Loudoun.

Lelly.

Marre.

Forrester.

‘ Now these Affronts to our Government, and dangers to our State, which have no Relation at all to Religion and Law, but in the violation of them both, have necessitated Us to put the Forces of this our Realm in order, and our Self into a condition to be able (by God's help) to vindicate our Safety and Honour against all those that under pretence of Religion and Law, have already risen, or shall rise up against Us, and to preserve and keep in safety Our good and loyal Subjects, and to take care that the Gangrene be cut off before it spread too far, to the endangering of this our Kingdom of England. Nevertheless We profess before God and all the World, that We never did, nor ever will hinder them from the enjoying of their Religion and Liberties, according to the Ecclesiastical and Civil Laws of that our Kingdom, and according to our Promise and their Desires, subscribed by themselves at the *Pacification* ; but that We will govern them as a Just and Religious Prince : In assurance whereof, if they will yet acknowledg their former Crimes and Exorbitancies, and in an humble and submissive manner, like penitent *Delinquents*, crave pardon for what is past, and yield Obedience for the time to come, they shall still find that We will be more sensible of their Conversion, than We have bin of their Rebellions ; and that We rather desire their Reformation, than their Destruction. But if they persist in their Rebellious Courses, and by that which they call the enjoying of their Religion and Liberties, according to the Ecclesiastical and Civil Laws of that Kingdom, will understand nothing but the trampling of our Crown and Royal Authority under their Feet, and the endeavouring to subvert all Laws and Religion, as they have done hitherto by their Proceedings in the Assem-

‘ bly



‘ bly and Parliament, then We hold our Self obliged, in discharge of  
 ‘ that Duty which We owe to God and the Government which he  
 ‘ hath entrusted to Us, to have recourse to Our coercive Power, to  
 ‘ prevent so many imminent Dangers as threaten the Publick. This  
 ‘ We take God to Witness We are necessitated to, and shall not un-  
 ‘ dertake without extream sorrow and reluctance. Nevertheless We  
 ‘ trust that God, whose Vicegerent we are, and by whom alone Kings  
 ‘ Reign, being likewise a God of Truth, and a severe punisher of all  
 ‘ Falshood and Imposture, will no longer suffer his Glory to be de-  
 ‘ spised and prophaned in our Person, by gross Hypocrisy, under the  
 ‘ counterfeited habit of Religion, but will arise and scatter His and Our  
 ‘ Enemies.

‘ And for this Noble *English* Nation, whose Glory it hath bin to  
 ‘ have bin governed many hundreds of Years under a Monarchy, We  
 ‘ doubt not but they will, as it becomes loyal and faithful Subjects,  
 ‘ continue their Affection to Us and Monarchical Government, and  
 ‘ not suffer themselves to be debauched and betrayed into an Anarchy,  
 ‘ by such as envy the happiness they have so long enjoied, and the ma-  
 ‘ ny glorious Victories which they have atchieved, under Kingly  
 ‘ Government, but following the example of the Lords of our Coun-  
 ‘ cil, and of our Servants, will chearfully assist Us in this Our just  
 ‘ Cause, wherein our Honour and Safety, together with theirs, are so  
 ‘ highly concerned.

‘ Our Subjects in *Ireland*, by their late Declaration in Parliament,  
 ‘ have not only given Us a considerable Supply toward Our present  
 ‘ Preparations, to reduce Our disaffected Subjects in *Scotland* to their  
 ‘ due Obedience, but have humbly offered Us their Persons and  
 ‘ Estates, even to the uttermost of their Abilities for Our future Sup-  
 ‘ ply, in a Parliamentary way, as Our great Occasions (should that  
 ‘ Distemper continue) shall require. And this they desire may be  
 ‘ recorded as an Ordinance of Parliament, and that it may be pub-  
 ‘ lished in Print for a Testimony to all the World, and to succeeding  
 ‘ Ages, of their Loyalty and Affection to Us, as it well deserves.  
 ‘ This is a singular comfort to Us in the midst of these Distractions;  
 ‘ and We have no cause to doubt but our Subjects of *England*, who  
 ‘ are nearer to the Danger, will shew the like tenderness of Our and  
 ‘ their own Honour and Safety, which will be no less contentment to  
 ‘ Us, and make Us, as a Father of Our People, take the same care of  
 ‘ their Preservation and Prosperity, that We shall of Our own. And  
 ‘ this We assure them, in the Word of a Prince, We shall ever do.

*The end of the King's Declaration.*

An. 1639.

The just double of the particular Demands of the Subjects of Scotland, presented to his Majesty's Commissioners in Articles or otherwise, which by his Majesty's Commaand, for satisfaction of the Council of England, were historically related before them by the said Commissioner, to his Majesty at Whitehall.

In all which Relation he laid open, not only the Demands controverted, or what had bin debated and not concluded, but also such as had bin proponed, and by Persuasion or Argument relinquished, and not insisted upon. In all which likewise he left to themselves, and those whom by his Majesty's allowance they were to send, to give his Majesty a timely information of their said Demands.

Which being at two several times, and in two several Papers given both to the Earl of Dunfermling and Lord Lowdon, was by them acknowledged to have bin demanded, like as they have under their hands given in in writing their Reasons for every one of them.

### *The Articles given in the first day.*

1. **A** Protestation given in at the first Prorogation of the Parliament, at least given to the Commissioner to be represented to his Majesty.
2. *Act* defining the Power of the Articles.
3. New Augmentations to the Customs to be discharged, and no Custom nor Imposition to be imposed hereafter, but by advice of the Estates.
4. No change of value of Mony or Coinage thereof, but by advice of Parliament.
5. The Book of *Rates* to be revised by Parliament.
6. The Castles of *Edinburgh*, *Donbarton*, and *Striveling*, to be entrusted only to Natives, and those to be chosen from time to time of honest Men, and by advice of the Estates.
7. *Act* anent the Judicatory of the *Exchequer*.

### *The Articles given in the second day.*

1. **A** Protestation against the Treasurer and Privy-Seal their precdency, That their giving way to the Treasurer and Privy-Seal should not prejudg them of their Right.
2. The *Act* anent the Constitution of the Parliament in time coming, being by the Articles remitted to his Majesty to be considered of until the next Parliament, was thereafter questioned by some of the Nobility and Barons, who in their own Name, and Name of the rest, urged the same to be brought in in plain Parliament without any such reference.
3. An *Article* craving every Commissioner of the Shires to have a several Voice.
4. An



4. An *Article* craving the Parliament to chuse their own Clerk, or to have two of every Estate joined with the Register; and that all Acts voiced in Parliament should be immediately subscribed by two of every Estate.

5. *Act* for every Estates chusing of their own Lords of *Articles*.

6. *Act* discharging Proxies.

7. *Act* against the Book entituled, *A Large Declaration*.

8. Commissioners of Shires to give a Roll of the Free-holders, out of which the Justices of Peace are to be chosen.

9. *Act* anent the Disorders in the North.

10. *Act* craving the Council to be subalterne and censurable by the Parliament.

11. No Patent of Nobility to be granted to any but such as have ten thousand Marks of yearly Land-rent.

12. No Taxation to be granted but in plain Parliament.

13. *Act* of Pacification.

14. *Act* craving particular Commissioners of Justiciary and Lieutenancy to be discharged.

15. *Act* in favour of Sheriffs and Stewards, only to be obliged to produce Hornage for the Taxations.

16. Patent of making Powder to be discharged.

17. *Act* discharging Remissions for Slaughter, or Theft, but upon satisfaction to the Party.

18. *Act* discharging Protections.

19. *Act* of Common Relief.

20. An *Article* craving the Act 1633 bearing, that Confirmations and Infeoffments of Ward-Lands, shall not prejudg the King's Ward to be repealed.

21. *Act* discharging the duty paid to the Conservator upon the Coals.

22. *Act* craving Ammunition and Arms brought in since the beginning of these Troubles, to be free of Custom.

23. *Act* anent the Election of President of the Session, and admission of the Judges presented by his Majesty.

24. *Act* craving Statesmen being Noblemen, to have but one Voice.

25. His Majesty's Warrant for Mr. *William Hay* his Deputation in his Father's Place, opposed by the rest of the Clerks.

Whereas the Author, whilst the Records of *Scotland* were remaining in the *Tower of London*, had obtained a brief Collection of the several Heads of the Acts and Ordinances of the *Scotish* Nation; and of the large Treaty, and other Treaties and Transactions between the two Nations of *England* and *Scotland*: As likewise the several Acts, Supplications, and Desires of the General Assemblies of *Scotland*, concerning Religion, King, and Kingdoms, Church-Government, their Faith and Covenant, their Proceedings therein, and Ratifications thereof, by their Parliaments, with divers Declarations, Remonstrances, and Resolutions thereupon: With their several Levies and Preparations for War, and Commissions and Instructions to their Commanders in chief: As also their Proclaiming *Charles* the Second; Their Transactions with him in *Holland*, and their admission of him to his Roial Power upon Terms of the Covenant.

An. 1639.

Covenant. Selected out of the Records of the Parliament of Scotland, (then remaining in the Tower of London) beginning the 15th day of May, 1639, and ending the 8th of March 1650. Yet he thinks it convenient at present only to give the Reader an account of the Years 1639, and 1640, reserving the rest to their proper time and place.

*Apud Edinburgum, May 15. 1639.*

*Prima dies Parliamenti.*

THE King's Commission is recorded and read for the holding of this Parliament, directed to John Earl of Marr and others. The Parliament is continued to the 23 of July.

*Apud Edinburgum, Julii 23. 1639.*

The King's Commission is again read. The Parliament is continued to the 26th day of August. Continuation of the Parliament to the second of June 1640, and the King's Commission recorded.

*Apud Edinburgum, Julii 2. 1640.*

*Sexta dies Parliamenti.*

Follows the Acts and other Matters past and done in this Session of Parliament, beginning the second day of June 1640, and ending the 11th day of the same month of June.

*Act 2.*

Act anent the Constitution of this Parliament, and all the subsequent Parliaments.

Declaration of the Estates of Parliament, permitted by them to their Proceedings in Parliament, containing the Reasons and Necessity of the convening and proceeding thereuntil.

*Junii 4. 1640.*

*Act 4.*

Act anent the admission of Ministers to the Kirk, which belonged to Bishopricks.

*Act 5.*

Anent the Large Declaration or Manifesto.

*Act 9.*

Against Papists.

*Sexto Junii 1640. Decima dies Parliamenti.*

*Act 12.*

Act Statuary, appointing Parliaments to be holden every three years.

*Act*



Act 13.

Act anent production of the Registers and Records of Parliament, to the first Session of each Parliament.

Act 14.

Explaining the preceding Acts of Parliament, made against Bands and Conventions amongst the Subjects; as also declaring the Bands and Convention made and kept since the beginning of the present troubles to be lawful.

Act 16.

Act appointing all Grievances to be given in plain Parliament.

Act 18.

Act anent the Ratification of the Covenant, and of the Assembly's Supplication; Act of Council, and Act of Assembly concerning the Covenant.

The Supplication of the General Assembly convened at *Edinburgh* the 12th day of *August* 1639, to his Majesty's High Commissioner, and the Lords of his Majesty's most honourable Privy-Council.

In this is mention made of 107 Kings, chearfully acknowledged by them and their Predecessors, and following the laudable Example of their Predecessors 1589 Years, do pray that their Confession and Covenant, as a Testimony to their fidelity to God, and loyalty to their King, which they had subscribed, may be subscribed by all his Majesty's Subjects of what Rank and Quality soever.

The Act of his Majesty's most Honourable Privy-Council at *Edinburgh*, *August* 30. 1639. containing the Answer of the Supplication above-written.

The Act of the General Assembly, ordaining by Ecclesiastical Authority the subscription of the Confession of Faith and Covenant.

The Confession of Faith subscribed at first by the King's Majesty and his Household in the Year of God 1580.

Thereafter by Persons of all Ranks, in the Year 1581, by Ordinance of the Lords of the Secret Council, and Act of the General Assembly, subscribed again by all sorts of Persons in the Year 1590, &c. and again in *Anno* 1638, and now again subscribed.

This Confession of Faith is very largely described and expressed.

Act 19.

Act anent the Ratification of the Acts of the Assembly.

Act 24.

Act for the Committees of Estates to supply the Power of the Parliament.

*Nono Junii* 1640.

Act 26.

Ratification of General *Lesly's* Proceedings *Anno* 1639.

Act 27.

Ratification in favours of General *Lesly*, of his Commission to be General 1640, and of other Officers of War.

Act 39.

Act discharging all custom of Ammunition brought home to the Lieges for their own use, for Defence of Religion, and Liberties of Kirk and Kingdom.

*Decimo*

15 Caroli.

An. 1639.

Decimo Junii 1640.

Act 43.

Ordering the whole Subjects and Lieges of this Kingdom to obey, maintain, and defend the Conclusions, Acts, and Constitutions of this present Session of Parliament, and to subscribe the Band appointed for that effect.

Act 59.

Act continuing the Parliament to the 19th day of November next.

Act 60.

Declaration and Clofure of the Parliament.

Apud Edinburgum, Nov. 19. 1640.

*Quindecima dies Parliamenti.*

Act anent the continuation of the Parliament to the 14th day of January 1641.

*The humble and continued Desires of your Majesty's Subjects convened in Parliament by your Majesty's Authority.*

‘ These are the Articles of this Parliament, called at first, and convened the second time by your Majesty's Authority, not in common way of calling a Parliament, but by your special and solemn Promise in your Majesty's Royal Declaration, at the time of Pacification grounded thereupon, which we now with all humility present unto your Majesty's View and Princely Consideration, as containing no new thing different from our first and continued humble Desires, and serving for the preservation of our Religion and Laws, and for settling the Peace of this Kirk and Kingdom under your Majesty's Government: And it was never our mind to deny unto your Majesty, our native King and dread Sovereign, that of Civil and Temporal Obedience; so do we now all of us, with one heart and voice, testify to your Majesty before the World, against the open Railings and secret Suggestions of our Enemies, that we accomplish no earthly thing so desirable, as to have the happiness of enjoying this Peace under the long and prosperous Reign of your Majesty, and your Royal Successors, in whom we have so great and kindly Interest. And therefore, as it hath been our care and diligence to keep our selves within the Bounds of Moderation, as your Majesty's Throne standing before our Eyes had bin filled, and we honoured with your Majesty's Person and Presence, in acting nothing but the Ratification of the Constitutions of the late Assembly, approved by your Majesty's Commissioner, and such other things as do conduce for your Majesty's Honour, and the Good and Peace of this Kingdom; and making no kind of alteration, but such as is either by unavoidable Necessity, and by strength of the Matter it self was originated and driven from the Acts of the Assembly, and without which they could not be ratified, according to your Majesty's Declaration, or according to the Laws, were most necessary for the preservation of our Religion and



‘ and Liberties in time coming : So it is now our humble Petition,  
 ‘ and confident expectation, that your Majesty will judg equally of  
 ‘ the Proceedings of your loyal and well-meaning Subjects, and will  
 ‘ account of these Acts as of your Majesty’s own Laws, since they  
 ‘ have bin presented with their Parliamentary Reasons to your Maje-  
 ‘ sty’s examination by our Commissioners, and nothing remonstrate  
 ‘ to us against the equity and necessity of them ; and thus they are  
 ‘ concluded in this Parliament (after once prorogation) convened by  
 ‘ your Majesty for this effect : We had bin inexcusable, and could not  
 ‘ have answered to God Almighty, nor to your Majesty his Vicegerent  
 ‘ for our Good, if we had not in the extream Exigency of this Kirk  
 ‘ and Kingdom, made use of the Liberty, whereby his Divine Provi-  
 ‘ dence and your Majesty’s Authority and Permission was put into  
 ‘ our hands.

‘ When your Majesty shall be graciously pleased to command that  
 ‘ these Acts be published in your own Name, as our Sovereign Lord,  
 ‘ with the Estates of Parliament convened by your Majesty’s Authori-  
 ‘ ty ; when the Lord *Lowdon*, one of our Commissioners sent from  
 ‘ the Parliament upon your Majesty’s Warrant, shall be returned in  
 ‘ safety, the Castles of *Edinburgh*, and other Strengths of the King-  
 ‘ dom, shall, with the advice of the Estates, according to the first  
 ‘ first Foundation, be furnished and used for our Defence and Securi-  
 ‘ ty, some of our Countrymen in your Majesty’s other Dominions,  
 ‘ shall be free from Censures for subscribing the Covenant, and be no  
 ‘ more pressed with Oaths and Subscriptions, unwarranted by our  
 ‘ Laws, and contrary to their natural Oaths and Covenant, approved  
 ‘ by your Majesty ; others of them who have bin wicked Instruments,  
 ‘ to work us all our woe, and to divide betwixt your Majesty and the  
 ‘ Kingdom, shall be sent hither, and put to a Trial according to the  
 ‘ Laws ; Our Ships, and Goods, Souldiers, and others imprisoned, re-  
 ‘ stored ; and all other our losses and wrongs that all this time we have  
 ‘ sustained, repaired ; your Declaration against Us, as Traitors, recalled ;  
 ‘ and when your Majesty shall be pleased to condescend to one stable  
 ‘ and well-grounded Peace, of our enjoying of our Religion and  
 ‘ Liberties, against all fears and molestation, and undoing us from  
 ‘ Year to Year, whereby our Adversaries may take advantage ; then  
 ‘ will the real Testimonies and Royal Proofs of your Majesty’s Justice  
 ‘ and Goodness, be so strong Bands of Love, and invincible Chains  
 ‘ to tie our Hearts, that never was there a People more obsequious to  
 ‘ a King, nor a King more contented and happy in a People : And  
 ‘ why shall we not think that your Majesty will regard the sound Judg-  
 ‘ ment and unfeigned Affection of a whole Kingdom, above the Opi-  
 ‘ nion and self-love of a few Male-contented, who are at discord with  
 ‘ the Times, and account your Majesty’s danger and dishonour, and  
 ‘ our common Calamities to be a continuance of their justly deserved  
 ‘ Miseries ? And why shall we not hope that your Majesty’s Wisdom  
 ‘ will judg it more convenient to bestow your Royal Favours upon a  
 ‘ whole Kingdom, wherein every Man of us may have our own be-  
 ‘ nefit, than upon some few Persons, who by their aversion make an  
 ‘ Eclipse of your Majesty’s Countenance and Goodness at so great a  
 ‘ distance ? And why shall not an Obedient People, that curseth all  
 ‘ Rebellion and Treason to Hell, where it is hatched, look for better  
 ‘ days when the Storm is blown over, wherein God may have his own

An. 1639. *Glory, your Majesty also as much Honour as a good King can require, and we your Majesty's Subjects that Peace and Happiness which may make us heartily pray for the long and prosperous Reign of our Native King and Monarch?*

A List of the several Entertainments of the Officers General of the Field; the Lord General his Train; Officers of four Regiments of Foot-Bands, and Companies of Footmen; Officers General of the Horse, and twelve Troops of Horse.

\* 28 days to the Month.

*Officers General of the Field.*

|                                                   | <i>Per diem.</i> |           |           | <i>Per* mensem.</i> |           |           | <i>Per annum.</i> |           |           |
|---------------------------------------------------|------------------|-----------|-----------|---------------------|-----------|-----------|-------------------|-----------|-----------|
|                                                   | <i>l.</i>        | <i>s.</i> | <i>d.</i> | <i>l.</i>           | <i>s.</i> | <i>d.</i> | <i>l.</i>         | <i>s.</i> | <i>d.</i> |
| The Lord General                                  | 10               | 00        | 00        | 280                 | 00        | 00        | 3065              | 00        | 00        |
| The Lieutenant General                            | 06               | 00        | 00        | 168                 | 00        | 00        | 2190              | 00        | 00        |
| Serjeant Major General                            | 02               | 00        | 00        | 056                 | 00        | 00        | 0730              | 00        | 00        |
| Quarter-Master General                            | 01               | 00        | 00        | 028                 | 00        | 00        | 0365              | 00        | 00        |
| Provost Marshal General                           | 00               | 06        | 08        | 009                 | 06        | 08        | 0121              | 13        | 04        |
| Waggon or Carriage-Master                         | 00               | 06        | 08        | 009                 | 06        | 08        | 0121              | 13        | 04        |
| Four Corporals of the Field,<br>at 6 s. 8 d. each | 01               | 06        | 08        | 037                 | 06        | 08        | 0486              | 13        | 04        |

7665 00 00

*The Lord General's Train.*

|                                   |    |    |    |     |    |    |      |    |    |
|-----------------------------------|----|----|----|-----|----|----|------|----|----|
| Treasurer at War                  | 02 | 00 | 00 | 056 | 00 | 00 | 0730 | 00 | 00 |
| Muster-Master General             | 01 | 00 | 00 | 028 | 00 | 00 | 0365 | 00 | 00 |
| Commissary Gen. of the Victuals   | 00 | 10 | 00 | 014 | 00 | 00 | 0128 | 10 | 00 |
| Judg-Marshal                      | 00 | 10 | 00 | 014 | 00 | 00 | 0128 | 10 | 00 |
| Two Chaplains, at 6 s. 8 d. each  | 00 | 13 | 04 | 018 | 13 | 04 | 0243 | 06 | 08 |
| Two Physicians, at 6 s. 8 d. each | 00 | 13 | 04 | 018 | 13 | 04 | 0243 | 06 | 08 |
| Two Apothecar. at 3 s. 4 d. each  | 00 | 06 | 08 | 009 | 06 | 08 | 0121 | 13 | 04 |
| Secret. to the Council of War     | 00 | 10 | 00 | 014 | 00 | 00 | 0182 | 00 | 00 |
| Two Chirurgeans at 4 s. each      | 00 | 08 | 00 | 011 | 04 | 00 | 0146 | 00 | 00 |
| Fifty Halberdiers, at 1 s. each   | 02 | 10 | 00 | 070 | 00 | 00 | 0912 | 10 | 00 |

73309 6 08

Four Colonels of four Regiments of Foot, each Regiment consisting of 1500 Men, at 1 l. each Colonel *per diem*,

04 00 00

112 00 00

1460 00 00

Four Lieutenant Colonels, at 10 s. each

02 00 00

056 00 00

0730 00 00

Four Serjeant-Majors, at 6 s. each,

01 04 00

033 12 00

0438 00 00

Four Quarter-Masters, at 5 s. each,

01 00 00

028 00 00

0365 00 00

Four



|                                      | <i>Per diem.</i><br>l. s. d. | <i>Per mensem.</i><br>l. s. d. | <i>Per annum.</i><br>l. s. d. | 15 Caroli. |
|--------------------------------------|------------------------------|--------------------------------|-------------------------------|------------|
| Four Provost-Marshals, at 5 s. each, | 01 00 00                     | 028 00 00                      | 0365 00 00                    |            |
| Four Carriage-Masters, at 3 s. each, | 00 12 00                     | 016 16 00                      | 0219 00 00                    |            |
| Three Preachers, at 3 s. each,       | 00 12 00                     | 016 16 00                      | 0219 00 00                    |            |
| Four Chirurgeans, at 4 s. each,      | 00 16 00                     | 022 08 00                      | 0292 00 00                    |            |
|                                      |                              |                                | 4088 00 00                    |            |

*The Pay of a Colonel's Company of 200 Men, in each of the four Regiments.*

A Captain, *per diem* 8 s. A Lieutenant, 4 s. Ensign, 2 s. 6 d.  
 Three Serjeants, at 1 s. 2 d. each. Three Drums, at 1 s. each.  
 Three Corporals, at 10 d. each. 188 Souldiers, at 8 d. apiece.

Being in all for one Colonel's Company of 200 Men,

|                   | l. s. d.   |
|-------------------|------------|
| <i>Per diem</i> — | 07 08 10   |
| <i>Per mensem</i> | 208 07 04  |
| <i>Per annum</i>  | 2717 04 02 |

And so for four Colonels Companies, of 200 Men each,

|                   |             |
|-------------------|-------------|
| <i>Per diem</i>   | 29 15 04    |
| <i>Per mensem</i> | 833 09 04   |
| <i>Per annum</i>  | 10864 16 08 |

*The Pay of a Lieutenant Colonel's Company of 150 Men, in each of the four Regiments.*

A Captain, *per diem* 8 s. A Lieutenant, 4 s. Ensign, 2 s. 6 d.  
 Two Serjeants, at 1 s. 4 d. a piece. Two Drums, at 1 s. a piece.  
 Three Corporals, at 10 d. a piece. And 140 Souldiers, at 8 d. apiece.

|                         | l. s. d.   |
|-------------------------|------------|
| In all, <i>Per diem</i> | 5 14 08    |
| <i>Per mensem</i>       | 160 10 08  |
| <i>Per annum</i>        | 2092 13 04 |

And so for four Lieut. Col. Companies, of 150 Men each.

|                   |             |
|-------------------|-------------|
| <i>Per diem</i>   | 22 18 08    |
| <i>Per mensem</i> | 642 02 08   |
| <i>Per annum</i>  | 8370 13 04  |
|                   | 85908 16 08 |

An. 1639.

Four Regiments of Foot, containing in Officers and Souldiers 6000 Men, being 1500 Men in each Regiment, viz.

The Pay of a Company of 115 Men, viz.

A Captain, *per diem* 8 s. Lieutenant 4 s. Ensign 2 s. 6 d. 2 Sergeants at 14 d. each; three Corporals at 10 d. each, and 105 Souldiers at 8 d. each *per diem*.

|                                                   | <i>l.</i> | <i>s.</i> | <i>d.</i> |
|---------------------------------------------------|-----------|-----------|-----------|
| In all for one Company of 115 Men <i>per diem</i> | 04        | 11        | 04        |
| <i>per mensem</i>                                 | 127       | 17        | 04        |
| <i>per Annum</i>                                  | 1666      | 06        | 08        |

And so for forty Companies, of 115 Men the piece, being ten Companies in each of the four Regiments, besides the Colonels and Lieut. Colonels Companies.

|                   |       |    |    |
|-------------------|-------|----|----|
| <i>per diem</i>   | 182   | 13 | 04 |
| <i>per mensem</i> | 5114  | 13 | 04 |
| <i>per Annum</i>  | 66673 | 06 | 08 |

### Officers General of the Horse.

|                                       | <i>Per diem.</i> |           |           | <i>Per mensem</i> |           |           | <i>Per Annum.</i> |           |           |
|---------------------------------------|------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|
|                                       | <i>l.</i>        | <i>s.</i> | <i>d.</i> | <i>l.</i>         | <i>s.</i> | <i>d.</i> | <i>l.</i>         | <i>s.</i> | <i>d.</i> |
| THE General of the Horse              | 05               | 00        | 00        | 140               | 00        | 00        | 1825              | 00        | 00        |
| Lieutenant General                    | 02               | 00        | 00        | 56                | 00        | 00        | 730               | 00        | 00        |
| Sergeant Major, or Commissary General | 01               | 10        | 00        | 42                | 00        | 00        | 548               | 10        | 00        |
| Quarter-master General                | 00               | 06        | 08        | 09                | 06        | 08        | 121               | 13        | 04        |
| Provost Marshal                       | 00               | 05        | 00        | 07                | 00        | 00        | 91                | 05        | 00        |
| Waggon or Carriage-master             | 00               | 03        | 04        | 04                | 13        | 04        | 60                | 16        | 08        |
| Preacher                              | 00               | 04        | 00        | 05                | 12        | 00        | 73                | 00        | 00        |
| Chirurgian                            | 00               | 04        | 00        | 05                | 12        | 00        | 73                | 00        | 00        |

In all 3522 05 00

### The Pay of a Troop of a hundred Horse, viz.

A Captain, *per diem* \* 8 s. a Lieutenant 5 s. a Coronet 4 s. Three Corporals, at 2 s. each; two Trumpeters, one Quarter-master, a Chirurgian, and 80 Horsemen, at 2 s. 6 d. each *per diem*. After which Rates, the pay of a Troop of 100 Horsemen with their Officers, is

|                   |      |    |    |
|-------------------|------|----|----|
| <i>per diem</i>   | 13   | 01 | 00 |
| <i>per mensem</i> | 365  | 08 | 00 |
| <i>per Annum</i>  | 4763 | 05 | 00 |

\* If not a mistake.



And so the Pay for 12 Troops of 100 Horse the piece,  
with their Officers, is

|                   | <i>l.</i> | <i>s.</i> | <i>d.</i> |
|-------------------|-----------|-----------|-----------|
| <i>Per diem</i>   | 156       | 12        | 00        |
| <i>Per mensem</i> | 4384      | 16        | 00        |
| <i>Per Annum</i>  | 57159     | 00        | 00        |

Sum total of the Entertainment aforesaid, is

Dated the 19th of  
March, 1639.

|                   |        |    |    |
|-------------------|--------|----|----|
| <i>per diem</i>   | 442    | 17 | 08 |
| <i>per mensem</i> | 12420  | 14 | 08 |
| <i>per Annum</i>  | 161652 | 08 | 04 |

*A List of the Train of Artillery, according to his Majesty's Direction, reduced to such a number of Officers and other Ministers as will be meerly necessary for a mean Train of 30 or 40 Pieces of Ordnance, viz.*

|                                     | <i>Per diem.</i> |           |           | <i>Per mensem</i> |           |           | <i>Per Annum.</i> |           |           |
|-------------------------------------|------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|
|                                     | <i>l.</i>        | <i>s.</i> | <i>d.</i> | <i>l.</i>         | <i>s.</i> | <i>d.</i> | <i>l.</i>         | <i>s.</i> | <i>d.</i> |
| <b>T</b> he General of the Ordnance | 04               | 00        | 00        | 112               | 00        | 00        | 1460              | 00        | 00        |
| Lieutenant                          | 01               | 00        | 00        | 28                | 00        | 00        | 365               | 00        | 00        |

*Sundry other Officers, Artificers, and Attendants upon the Ordnance and Train of Artillery, viz.*

|                                                                                     | <i>s.</i> | <i>d.</i> |                               | <i>s.</i> | <i>d.</i> |
|-------------------------------------------------------------------------------------|-----------|-----------|-------------------------------|-----------|-----------|
| A Comptroller, <i>per diem</i>                                                      | 10        | 00        | Forty Matrozes, each          | 01        | 00        |
| Two Commissaries of the two Magazines of Munition, <i>viz.</i> one for the Train at | 06        | 00        | A Purveyor                    | 03        | 00        |
| The other for the Army                                                              | 05        | 00        | One Master Smith              | 03        | 00        |
| 4 Clerks under them, each                                                           | 02        | 00        | 6 Servants under him, each    | 01        | 00        |
| Two Engineers, one at                                                               | 08        | 00        | One Mr. Wheelwright, at       | 02        | 06        |
| and the other at                                                                    | 06        | 00        | four Servants under him, each | 12        |           |
| 2 Clerks for them, each                                                             | 02        | 00        | One Tent-maker                | 02        | 00        |
| Six Conductors of the Trenches & Fortifications, each                               | 02        | 00        | 2 Servants, each              | 01        | 00        |
| One Fireworker                                                                      | 03        | 00        | A Tent-keeper, at             | 01        | 06        |
| his Assistant                                                                       | 01        | 08        | one Assistant to him          | 00        | 08        |
| One Petardier                                                                       | 02        | 06        | A Mr. Carpenter               | 03        | 00        |
| Twelve Assistants, each                                                             | 01        | 00        | 6 Servants under him, each    | 01        | 00        |
| One Master Gunner                                                                   | 06        | 08        | One Cordage-maker             | 02        | 00        |
| Four Gentlemen, each                                                                | 04        | 00        | 2 Servants under him, each    | 01        | 00        |
| Gunners Mates, each                                                                 | 02        | 06        | One Saddle-maker              | 01        | 06        |
| Thirty Gunners, each                                                                | 01        | 06        | one Servant under him         | 01        | 00        |
| A Pay-master                                                                        | 05        | 00        | One Cooper                    | 02        | 00        |
| Capt. of the Pioneers                                                               | 05        | 00        | 2 Servants under him, each    | 01        | 00        |
| Quarter-master                                                                      | 04        | 00        | Four Armorers, each           | 02        | 06        |
| Four Conductors of the Matrozes                                                     | 02        | 06        | 4 Servants under them, each   | 01        | 00        |
|                                                                                     |           |           | Two Gunsmiths, each           | 02        | 06        |
|                                                                                     |           |           | four Servants, each           | 01        | 00        |
|                                                                                     |           |           | One Harness-maker, at         | 01        | 06        |
|                                                                                     |           |           | 2 Servants under him, each    | 01        | 00        |
|                                                                                     |           |           | One                           |           |           |

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|                            | s. | d. |                                   | s. | d. |
|----------------------------|----|----|-----------------------------------|----|----|
| One Farrier, at            | 02 | 06 | Two Principal Conductors, viz.    |    |    |
| 2 Servants under him, each | 01 | 00 | one for the Munition of the Ar-   |    |    |
| One Bridgmaker             | 02 | 06 | my, the other for the Munition    |    |    |
| Six Servants, each         | 01 | 00 | of the Artillery, each            | 03 | 00 |
| One Provost Marshal        | 02 | 00 | Forty Conductors, viz. 20 for the |    |    |
| 2 Servants under him, each | 01 | 00 | Waggons, and 20 for the Ord-      |    |    |
| One Chirurgeon             | 04 | 00 | nance, each                       | 02 | 06 |
| one Servant under him      | 01 | 00 | One Commissary for the            |    |    |
| 1 Waggoner for the Train   | 05 | 00 | Draught-horses, at                | 04 | 00 |
| one Assistant to him       | 02 | 06 | Two Assistants to him, each       | 02 | 06 |

|                 | l.   | s. | d. |
|-----------------|------|----|----|
| In all per diem | 21   | 07 | 06 |
| per mensem      | 598  | 10 | 00 |
| per Annum       | 7182 | 00 | 00 |

Sum total of the Officers, Artificers, and other the Attendants.

|            |      |    |    |
|------------|------|----|----|
| per diem   | 26   | 07 | 06 |
| per mensem | 678  | 10 | 00 |
| per Annum  | 8820 | 10 | 00 |

*Whitehall, the last of March 1639.*

Signed by,

|                                        |                                 |
|----------------------------------------|---------------------------------|
| Lord Arch-Bishop of <i>Canterbury.</i> | Earl of <i>Bridgwater.</i>      |
| Lord <i>Keeper.</i>                    | Earl of <i>Berk-shire.</i>      |
| Lord <i>Treasurer.</i>                 | Earl of <i>Morton.</i>          |
| Lord <i>Privy-Seal.</i>                | Lord <i>Cottington.</i>         |
| Lord Marquess <i>Hamilton.</i>         | Lord <i>Newburgh.</i>           |
| Earl of <i>Northumberland.</i>         | Mr. <i>Treasurer.</i>           |
| Lord <i>Chamberlain.</i>               | Mr. <i>Comptroller.</i>         |
| Earl of <i>Dorset.</i>                 | Mr. Secretary <i>Windebank.</i> |

In the month of *November* this Year, the Lord *Wentworth* Deputy of *Ireland*, arrived at the Court of *England*, where he appeared in much favour with the King, and in high Reputation for his Ability in Matters of State; and the King took him into his Closest Councils, for the better forming and finishing those Designs which were then begun; and his Majesty gave him an Increase of Honour, creating him Earl of *Strafford*, Lord Lieutenant of the Kingdom of *Ireland*, and Knight of the most Noble Order of the Garter. He was constituted Lord Lientenant, for that (as his Patent runs)

**O**bssequium suum & industrium Nobis egregie probaverit, dum officium deputatus Nostri in Regno Nostro Hibernia, & Praefecturam Generalem exercitus nostri ibidem conscripti fide summa Administrabit, resque nostras illius Regni ea prudentia ordinaverit ut Noster ponozi Saluti, Ecclesiae populoque Univerfo optime consulat.

After





R. White scul.

**S<sup>T</sup> THOMAS WENTWORTH**  
*Viscount Wentworth, Baron  
 of Newmarch, Oversley &  
 and Generall Governör of the  
 President of y<sup>e</sup> Council establish<sup>d</sup>  
 in y<sup>e</sup> County & City of  
 Privy Councill, and Knight of y<sup>e</sup>*



**K<sup>T</sup> EARLE of STRAFFORDE,**  
*Wentworth of Wentworth Wood:  
 Raby, L<sup>d</sup> Lieutenent Generall,  
 Kingdome of Ireland; and L<sup>d</sup>  
 of y<sup>e</sup> North parts of England  
 of York & one of his Ma<sup>ty</sup> most hon<sup>ble</sup>  
 most Noble order of the Garter.*





After some weeks consultation with his Majesty about the *Scots*, and other publick Affairs, he returned to *Ireland* to meet that Parliament which before was summoned, and to levy Men to encrease his Army for the necessary Defence of the King and his Kingdom.

Before he took leave of the King, there was a Subscription of a Loan at the Council-Board to supply his Majesty with Mony; the Earl began first, and (for example) subscribed 20000 *l.* and afterwards arrived at *Dublin*, March the 18th the same Year 1639.

Upon the meeting of the Parliament, he so well improved his Interest and Power, as that he gained from them four entire Subsidies. And in the Preamble of the said Act for Subsidies, sundry great Causes of Joy and Comfort are expressed by the Ministration of the Lord Lieutenant: Particularly,

‘ In that his Majesty hath provided and placed over us so Just, Wise, Vigilant, and Profitable a Governour, as the Right Honourable *Thomas* Earl of *Strafford*, Lord Lieutenant of this your said Kingdom of *Ireland*, who by his great care and travel of Body and Mind, sincere and upright Administration of Justice without partiality, encrease of your Majesty’s Revenues, without the least hurt or grievance to any of your well-disposed and loving Subjects, and our great Comfort and Security, by the large and ample Benefits which we have received, and hope to receive by your Majesty’s Commission of Grace for Remedy of Defective Titles, procured hither by his Lordship from your Sacred Majesty; His Lordships great care and pains in Restoration of the Church; the reinforcing of your Army within this Kingdom, and ordering the same with singular good Discipline; His support of your Majesty’s wholesome Laws here established; his encouragement to your Judges, and other good Officers, Ministers, and Dispensers of your Laws in the due and sincere Administration of Justice; his necessary and just strictness for the Execution thereof, his due punishment of the Contemners of the same, and his care to relieve and redress the Poor and Oppressed. For this your tender care over us shewed by the Deputy, and supporting so good Governors, &c. We in free recognition of your great Goodness towards Us, do, for the abbreviation of some part of your Majesty’s inestimable Charges, most humbly and freely offer to your Majesty four entire Subsidies, &c.

And after the Lord Lieutenant’s return again into *England* in the beginning of the Year 1640, his Majesty honoured him with a Commission to be Lieutenant General of his Majesty’s Army to march against the *Scots*, the Earl of *Northumberland* being made General, but the burden of the Conduct lay upon the Lieutenant General, by Reason of the Earl of *Northumberland*’s indisposition as to his health.

On the 11th of March 1639, *Walter Belcanqual*, Dean of *Durham*, complained of *George Grey* and *Anthony Smith*, two of the Tenants of the Dean and Chapter of *Durham*, for Misdemeanours committed by them, in getting divers of the Tenants of the said Dean and Chapter, to set their Hands and Seals to divers Papers and Petitions of

A Complaint  
by Dr. Bel-  
canqual Dean  
of *Durham*,  
against his  
Tenants.

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of Complaint against the said Dean and Chapter their Landlord, and to contribute Mony for Prosecution of their Complaints; and as the said Dean did alleage, They did not make known to the Dean and Chapter their Grievances before they came up to complain.

The said *Grey* and *Smith* appearing before the Lords of the Council, did acknowledg, that what was alleaged against them was true as to the subscribing Petitions; but declared they had cause to complain against the Dean and Chapter, for that contrary to a Decree entred in the Court of *York* and elsewhere in the time of Queen *Elizabeth*, which did ascertain their Right in the renewing their Leases, with favour to them in respect of their Tenant-Right; and that a small Fine (in comparison of what the Dean and Chapter now required of them) had wont to be paid; of which, they said, they often complained as a Grievance, but never obtained hopes of Relief from them.

The Council-Board after hearing the Business, declared themselves dissatisfied with the Tenants Proceedings; and the Arch-Bishop of *Canterbury* moved, That the Dean and Chapter might do well to proceed against them in the *Star-Chamber*, and never to renew their Leases to the Tenants, or the Children of them who did complain; and that it were fit they should be committed to Prison till they did produce the Schedule of Grievances subscribed by the Tenants to discover their Names; and that they should pay so much Mony as they received from those Tenants (who impowred them to prosecute this their Complaint) to one of the Clerks of the Council, and that nothing should be deducted out of the same, to allow the said *Grey* and *Smith* any thing towards the defraying of their Charges or Monies laid out about the prosecution of this Business: for, said the Arch-Bishop, he was confident it was a practice against the Church, and did believe there was some further design in the Business.

Hereupon the Council-Board ordered that *Grey* and *Smith* be committed to the *Gatehouse*, and there to lie in Prison until they produce a Schedule of the Names of the Subscribers, and that they did pay the Mony they had confessed to have received (which was about the sum of 80 *l.*) unto the hands of Sir *William Becker* one of the Clerks of the Council; which they paid accordingly, but continued in Prison many weeks, because they would not deliver up the List of the Tenants Names that subscribed the Petition: But a Parliament meeting *April 13* next following, they were set at liberty by the Council-Board, without delivering up the List of the Tenants Names, and the Paper of Subscription containing their Grievances.

The Author of these Collections having casually mislaid the Decree at large which the High Court of *Star-Chamber* passed against the Mayor and Commonalty of the City of *London*, and against the Society of the Governor and Assistants of *London* of the New Plantation of *Ulster* in the Kingdom of *Ireland*, is not able to give a full and clear account thereof, being a Case of great weight, and which held seventeen days hearing, the Court sitting *de die in diem*, in a long Vacation, the Author being then in the North; the Reader therefore is desired to inform himself as to that great Case, of some Proceedings in the beginning of that Parliament, which met the third of *November 1640*, whilst the King remained with his Parliament, tho at that  
very



very time he was gone to *Edinburgh* in *Scotland*, to confirm the Peace betwixt the two Nations of *England* and *Scotland*; and upon his return was magnificently entertained by the City of *London*, as will be at another time fully declared.

15 Caroli.

*The Resolves of the Commons House of Parliament, as to this Case of London-Derry, were as followeth.*

‘ UPON Mr. *Whistler*’s Report of the Case of *London-Derry*, Resolved upon the Question, That the Opinion of this House is, That the Citizens of *London* were solicited and pressed to the undertaking of the Plantation of *London-Derry*.

‘ Resolved upon the Question, That the Copy attested with Mr. *Goad*’s hand, is a true Copy of the Sentence given in the *Star-Chamber* against the Master and Commonalty of the City of *London*, and the Society of the Governor and Assistants of *London*, of the New Plantation of *Ulster* in the Kingdom of *Ireland*.

‘ Resolved, &c. That the Order made in the Court of *Star-Chamber*, dated the 8 *Martii*, 8 *Car.* is unlawful, both for the Matter, Persons, and Time therein prefixed.

‘ Resolved, that this House is of Opinion, That the King was not deceived in the Grant which he made unto the Society of Governors and Assistants of *London* of the New Plantation of *Ulster* in the Kingdom of *Ireland*, in particular, not in creating a New Corporation called, *The Society of the Governors and Assistants of London of the New Plantation of Ulster in the Kingdom of Ireland*.

‘ Resolved, that this House is of Opinion, That the King did not by that Patent grant more Land than was by him intended to be granted, nor was therein deceived.

‘ That it doth not appear by sufficient proof, That the Citizens of *London* were tied to perform the printed Articles, and consequently not bound to Plant with *English* and *Scots*, nor restrained from planting with Natives.

‘ By the 27 Articles, the City was to build two hundred Houses in *Derry*, and an hundred at *Colrain*, by the first day of *November* 1611; admitting that the Houses were not built, nor the Castle of *Culmore* repaired by the time prefixed, yet this is no Crime nor Cause for giving Damgages, in regard the City had not their Patent until the 29th of *March* 1613.

‘ That there is no proof that the Governor, &c. of the New Plantation, or any of their Companies, did make any Lease unto any Popish Recusant, nor of any decay of Religion there by default of the Planters.

‘ There is no proof of any default in the Planters, for not making a sufficient number of Freeholders, nor any Articles that do tie them thereunto.

‘ That there is no proof, that the City of *London*, or the Governor nor of the New Plantations, have felled any Trees in the Woods called *Glanckin* and *Kellytrough*, contrary to their Covenant.

‘ That the not conveying of the Glebe Lands to the several Incumbents of the several Parish-Churches, in regard they did enjoy the Lands, is no Crime punishable, no cause of seizure of their Lands.

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‘ That the Breach of Covenant (if any such were) is no sufficient Cause to forfeit the Lands.

‘ That the breach of Covenant is no Crime, but triable in ordinary Courts of Justice.

‘ That the Court of *Star-Chamber*, while it stood as a Court, had no Power to examine Freehold nor Inheritance, nor had any Power to examine or determine breach of Covenant or Trusts.

‘ That the Sentence upon these two Corporations aggregate no particular Person being guilty, it is against Law.

‘ That in all the Proofs of this Cause, there doth not appear Matter sufficient to convince the City of *London* of any Crime.

‘ That upon the whole Matter, the Sentence in the *Star-Chamber* was unlawful and unjust.

‘ That this Composition and Agreement made with the City upon these terms in the time of Extremity, ought not to bind the City.

‘ That the Opinion of the House is, That they think fit, that both the Citizens of *London*, and those of the New Plantation, and all under-Tenants, and all those put out of Possession, by the Sequestration or King’s Commissioners, shall be restored to the same state they were in before the Sentence in the *Star-Chamber*.

‘ That the Citizens of *London*, and all they against whom the Judgment is given in the *Scire Facias*, shall be discharged of that Judgment.

The Author had a full purpose to have given the Reader a Report of many Cases in the *Court of Honour*, or *Lord Marshal’s Court*, (which used to sit in the *Painted Chamber*) which Cases he took with his own Pen, but postponed the transcribing thereof, hoping to have finished the same in time, but is now prevented in doing thereof by his constant attendance upon several Printing-Presses to hasten out this Second Part of *Collections* before *January 26. 1679.* yet something the Author by his Memory doth call to mind of Proceedings in that Court.

The principal Case there heard, as to Descent and Coat of Arms, was in the Case of [*West*] Lord *De la Ware*, the Proceedings wherein did carry good Reputation of Justice with it, in giving relief to that Noble Family ; the Case was thus,

There was a Person took upon him the Name of *West*, himself being of a far different Name by Birth ; and assumed not only the Name, but the Coat of Arms of the Family of [*West*] Lord *De la Ware* : Whereas the said pretended *West* had got the Name of [*West*] by his great skill in Wrestling in *Lincolns-Inn Fields*, who went by the Name of *Jack of the West*, but was indeed an Hostler : Afterwards he came to be an Inkeeper, and got a good Estate, and maintained his Son at the *Inns of Court* ; but the Son was impatient till he did let the World see that he was a Person honourably Descended, and thereupon did, by virtue of his Patent, take place of some of the Gentry his Neighbours in *Hampshire* ; which did so disoblige them, (they knowing his Original) as they acquainted some of the Family of the Lord *De la Ware* therewith ; who being then an Infant, yet did by his Guardian bring this Case to a hearing in the Court of Honour ;



*Honour* ; where this pretended *West* produced his Patent granted by the *Herauld*, that he was thus descended, as if it were (but the Author remembers not the names certainly) from *John West*, the Son of *Robert West*, the Son of *Roger West*, the Fourth Son of the Lord *De la Ware*.

On the other part it was made out, on the behalf of the Lord *De la Ware*, that there were such Persons as were named in the Patent, and that one of them went beyond Seas, who was conceived to be dead, but was now come over, and then present in Court ; and there it was made out that this *West* the Hostler assumed his Descent to be from the Gentleman, that so appeared in Court : So upon the whole hearing of the Business, the Court was fully satisfied of the Abuse by the said *West* the Hostler done to the Family of *West Lord De la Ware*. Whereupon he was ordered to be Degraded, and never to write himself Gentleman any more, and to pay 500 *l.* Fine. Some other Circumstances did attend his Degradation, which cannot now be called to mind.

The next Case of note to this which the Author then observed, was between *Pierpoint* and *Coply* about Matter of Honour, and Precedency in Antiquity of Families ; when the Cause came to hearing, both Families proved their Pedigree from the Conquest ; but forasmuch as there were scandalous words proved to be spoken by the said *Coply*, to the defamation of the Family of *Pierpoint*, the Sentence passed against *Coply*, and 300 *l.* Fine set.

Except these two Cases, the Author (who frequently attended there for three or four Years to take Reports) cannot call to mind any other Case remarkable ; but many were the Complaints by way of Libel (that Court proceeding according to the Civil Law) against others, for giving a Gentleman words tending to the defamation of a Family well descended :

As for instance, One *Brown* set forth in Libel his Descent ; that another Person, in way of defamation, said, he was no Gentleman, but descended from *Brown* the great Pudding-eater in *Kent* ; but it appearing he was not so descended, but from an Ancient Family, he that spoke the words underwent the Sentence of the Court, and decreed to give Satisfaction to the Party complaining.

In another Case, a Citizen of *London* was complained of, who going to a Gentleman, well descended, for some Money that was due unto him ; the Gentleman not only refused to pay him the Money, but gave him hard words ; then said the Citizen, Surely you are no Gentleman that would not pay your Debts, with some other reflecting Language ; and the Citizen underwent the Censure of the Court.

The Author can give no further account at present of the Proceedings in that and other Cases ; but if he be permitted to proceed, he will supply this defect in his next *Remains*.

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Yet the Reader is desired to excuse a little Digression out of Time, to give some small account of this *Court of Honour*, and what passed concerning the same in the beginning of the Parliament, which met the third of *November* 1640, when several Petitions, by way of Complaint, came to the Parliament against the Proceedings of this Court; which being read, were referred to a Committee, viz. To

Mr. *Selden*.  
Mr. *Hollis*.  
Mr. *Hide*.  
Lord *Faulkland*.  
Dr. *Eden*.

Mr. *Palmer*.  
Sir *John Culpeper*.  
Mr. *Mainard*.  
Dr. *Parry*.  
And others.

To whom this Power was given to receive all Petitions that shall be brought unto them, concerning the *High-Constable* and *Earl-Marshal's Court*; and to enquire after the Fees of the *High-Constable* and *Earl-Marshal's Court*, and the *Herald's Fees*; and to consider of the Proceedings and Power of the *High-Constable* and *Earl-Marshal's Court*, and to report the state of the whole Matter to the House.

Mr. *Edward Hide* being called to the Chair by this Committee, made a Report from them to the House.

1. That the *Constable* and *Earl-Marshal's Court* have no Jurisdiction to hold Plea of Words.
2. That the *Earl-Marshal* can make no Court without the *Constable*.
3. That the *Earl-Marshal's Court* is a Grievance.

All which Opinions of the Committee, the House confirmed by several Votes agreeing with them therein.

And further Power at this time was given to the Committee, whereof Mr. *Hide* was in the Chair;

1. That they do consider who they are that are guilty of this Grievance by the *Earl-Marshal's Court*.
2. To consider of the Nature of the Crime which they are guilty of.
3. That they prepare and draw up a Charge to be transmitted to the Lords, against those who have thus, to the Grievance of the Subject, usurped this Jurisdiction.

### *Concerning the Forest in Essex, &c.*

We did forget to mention, in order of Time, some Proceedings concerning the Forests in *England*, especially in the County of *Essex*, before the *Justice in Ayre*, and those joined in Commission with him; against whose Proceedings the Country made grievous Complaints, that the Meets, Meers, Limits and Bounds of Forests were adjudged by them to extend further than they were taken to be in the 20th Year of King *James*, and contrary to those Bounds by which the Country had enjoined them near the space of 300 Years; and also complained that the said Court, to effect their Design, did unlawfully procure



procure undue Returns to be made by Jurors, in joining with them other Persons who were not sworn; the Court also using threatening Speeches to make them give a Verdict for the King.

And when the Country, who found themselves hardly dealt withal, did desire to traverse the Proceedings against them, having just cause to except against the Evidence; yet the Court denied the same, except what they should verbally speak; Whereupon the Council for the Country told the *Justice-Seat*, That their Proceedings were contrary to Law, and to the Charter of the Liberties of the *Forests*, and other Charters, and divers Acts of Parliament. Nevertheless the Court obtained a Verdict for the King; at which time the *Justice-Seat* was called by Adjournment to sit, and continued sitting, to maintain and confirm the Verdict given against the Country.

It so happened, that when the Court was to declare their final Decree and Sentence against the People inhabiting in the *Forests* in *Essex*, sitting then at *Stafford-Langton* near *Bow*, about three miles distant from *London*, that there came a drove of Calves passing through the Town towards *London*, and when they were at the open place in that Town over against the *Justice-Seat*, they suddenly made a stand and a great bleating, with such an united and unmeasurable noise, as the Court could not hear themselves to declare what was intended in giving Judgment; so that after they had forbore speaking till the noise was over, and the Calves with much difficulty removed towards *London*, then the Court proceeded to give their final Sentence, as to the *Forests* in *Essex*, against the Country, by which many Inhabitants were fined great Sums of Mony, or forthwith depart from their Houses and Estates, and retire out of the *Forests*, for that they were found, by Verdict given against them, to have encroached upon the *Forests*.

There is one Circumstance, which to divert the Reader, is mentioned, That a Knight of the County of *Suffolk* having Lands within the *Forest* (upon this occasion) told a Knight of the County of *Essex*, That the *Essex-Calves* did make that bleating, as if the dumb Creatures did understand that Sentence was to be pronounced against the Inhabitants in the *Forest* in whose Grounds they fed. But the *Essex* Knight took exception to the words [*Essex-Calves*] and told the other Knight, They were *Suffolk* Calves driven through *Essex*, therefore said the *Essex* Knight, Let not Calves hereafter be cast upon *Essex* alone, but let *Suffolk* bear a share.

Here followeth a further account of what was Registred by Sir *Alex. Gibson*, in the Year 1641, his Majesty being then present at the Parliament at *Edinburgh*, who was pleased to give his consent in that Parliament to the confirmation of the Treaty between both Kingdoms, which corroborates all the Proceedings that were at the Treaty at *Rippon*, and afterwards at the Treaty at *London*, which account will not be unacceptable for the Reader to be informed of for his better understanding the future History, tho now a little out of time.

*Apud* Edinburgum, Jan. 14. 1640.

Act 2.

Instructions upon production of the King's Letter.

Act 3.

Act anent the continuation of the Parliament to April 13. 1641.

*Apud*

An. 1639.

*Apud Edinburgum, April 13. 41.*

Instruments upon production of the King's Letter, and Protestation of the Estates.

*Act* anent the continuation of the Parliament to *May 25. 1641.*

*Apud Edinburgum, May 25. 1641.*

Instruments upon production of the King's Letter, and Protestation for the Estates.

*Act* anent the continuation of the Parliament to *July 15. 1641.*

*Apud Edinburgum, July 15. 1641.*

Concerning the Government Civil.

*July 16. 1641.*

A Committee for Ordering the House of Parliament.

*19 Julii 1641.*

A Letter from the Estates of Parliament to the Commissioners at *London.*

Articles agreed upon by the Estates for ordering the House of Parliament.

*27 Julii 1641.*

Commission and Warrant for concluding and subscribing of the Treaty.

*Penultima Julii 1641.*

Commission for examination of Witnesses at *London*, upon the Libel against the Incendiaries.

*4 Augusti 1641.*

*Act* and Proclamation for apprehending the Incendiaries.

*10 Augusti 1641.*

Ordinance of Parliament for meeting and receiving the King's Majesty.

Warrant to the Lord *Tester* and others under-written, for seeing of the Rools and Accounts in the Castle.

*13 Augusti 1641.*

Warrant for ane Proclamation discharging all Noblemen who are cited to the Parliament, and have not subscribed the Covenant-Band for maintenance of the Acts, and tane the Oath, to have Place or Voice in Parliament.

Ordinance for giving Information to his Majesty of all that is past heretofore in this Session of Parliament.

*Apud Edinburgum, Aug. 17. 1641.*

The King's Majesty present in Parliament.

*18 Augusti 1641.*

*Act* anent the Oath to be given to every Member of Parliament.

*24 Augusti 1641.*

Instruments tane by the Lord *London* upon the production of the Treaty, and others after specified, and mentioning the 220000 *l.* of Brotherly Assistance from *England.*

*26 Augusti 1641.*

*Act* anent the Ratification of the Articles of the Treaty superscribed by the King, and superscribed by the President of Parliament.

The King's Commission is recited.

And in like manner a Commission hath bin granted by the Committees of this Parliament of *Scotland*, bearing date the last of *October*, and the 4<sup>th</sup> day of *November 1640.* and in the words following.

We the Commissioners of the Parliament of *Scotland*, &c.

Articles



Articles of the large Treaty concerning the establishing of the Peace betwixt the King's Majesty and his People of *Scotland*, and betwixt the two Kingdoms, agreed upon by the Scottish and English Commissioners at the City of *Westminster*, the 7th day of *August* 1641.

Concerning an Act of Pacification and Oblivion.

The Propositions and Articles given in by the Scottish Commissioners, after the Lord *Lowdon* his return from the Parliament of *Scotland*, in twelve Articles.

The English Lords Commissioners answer to twelve Articles.

And the King's Assent.

Orders of the Parliament anent the disbanding of the English Army.

Instructions by the King's Majesty, and Estates of Parliament of *Scotland*, to the Lord *Maitland*, That both the English and Scottish Armies disband at one certain day.

2 Septemb. 1641.

Act anent incovenanting Patrons.

14 Septemb. 1641.

Act containing the Form and Words to be subjoined to the exemplification of the Treaty under the Great Seal.

Carolus *Dei Gratia*, *Scotiae*, *Angliae*, *Franciae*, & *Hiberniae*, Rex, &c.

18 Septemb. 1641.

Warrant for printing the Articles of the Treaty.

28 Octob. 1641.

Committee anent the Commotions in *Ireland*.

1 Novemb. 1641.

Anent the Commotions in *Ireland*.

Order of Parliament for recalling of the Marquess of *Hamilton*, Earls of *Argile* and *Lanerick*, to the Parliament.

6 Novemb. 1641.

Order of the Creation of the Lord General to be Earl of *Levyn*.

Act in favour of the Prince Elector *Palatine*, for 10000 Foot to be sent into *Germany*.

Commission for receiving of the Brotherly Assistance from the Parliament of *England*, viz. 220000 *l. Sterling*, conform to the Articles of the Large Treaty.

16 Novem. 1641.

Commission for conserving the Articles of the Treaty.

Commission anent the Articles referred to consideration by the Treaty.

Commission for Revising the Registers and Records.

The Lord Chancellor *Lowdon*, the Earl of *Argile*, the Earl of *Lauderdale*, and Clerk Register, Commissioners to revise and look over all the whole Registers and Records of Parliament, and all other Records, and to make Inventories and Registers thereto, saving the Right of the Register's Place, with all Profits incident thereanent.

17 Novemb. 1641.

Warrant to the Secret Council, for giving Instructions to the Commissioners for the Remainder of the Treaty.

Act appointing the next Parliament to convene the first *Tuesday* of *June* 1644.

These before-written Acts, Ordinances, and Statutes, of the afore-said Parliament, are Collected, Revised, Recorded, and Booked, by me Sir *Alexander Gibson* younger, of *Dury*, Clerk of our Sovereign  
Lord

An. 1639.

Lord his Rolls, Register, and Council, witnessing hereunto my Sign  
and Subscription Manual.

*Alexander Gibson, Cler. Regis.*

*Titles of PROCLAMATIONS, &c.*

*Pro Anno 1639.*

*By the KING.*

*rk, April 9.*

**A** Proclamation declaring his Majesty's Gracious Pleasure touching sundry Grants, Licences, and Commissions, obtained upon untrue Surmises.

*Whitehall,  
March 25.*

A Proclamation concerning Tobacco.

*Berwick,  
June 10.*

A Proclamation to restrain the transportation of Butter out of this Realm.

*Berwick,  
July 7.*

A Proclamation for the better Regulation of the Offices of Clerk of the Market, and Water-Bailiff; and to restrain the execution of the Charter of Brick, and Tile-makers; and to redress Abuses in the farming out of the Issues of Jurors.

*Westminster,  
August 11.*

A Proclamation publishing an Act of State, and his Majesty's Command concerning a scandalous Paper lately dispersed among many of his Subjects.

*Whitehall,  
August 19.*

A Proclamation declaring his Majesty's Pleasure to continue his Commission, and Letters Patents for Licensing Retailers of Tobacco.

*Whitehall,  
Decemb. 14.*

A Proclamation prohibiting the Making or Wearing of Demicafters, and the Vefing or Mixing of any Wooll or Stuff with Beaver, in the making of Beaver-Hats.

*Whitehall,  
Decemb. 7.*

A Proclamation to enable the Transportation of Butter from the Northern Parts, according to his Majesty's former Licence.

*York, May 5.*

A Proclamation for the better ordering the Transportation of Clothes, and other Woollen Manufactures into *Germany* and the *Low-Countries*; and to restrain the Transportation of Wooll, Wooll-Fells, Woollen-Yarn, Fullers-Earth, and Tobaccopipe-Clay.

Historical



# Historical Collections

for the Year 1640.

## *The Arch-Bishop of Canterburies Diary.*

**M**unday, April 13. the Parliament fate down, called about the Rebellion of Scotland.

April 14. Tuesday, the Convocation began at St. Pauls.

April 28. Tuesday, the hot contestation in the Lords House, which should have precedence, the Kings Supply, or the Subjects Grievances? Voted in the Upper House for the King.

May 5. Tuesday, the Parliament ended and nothing done; the Convocation continued.

May 9. Saturday, a Paper pasted upon the Old Exchange, animating Apprentices to sack my house, upon the Monday following early.

May 11. Monday night at Midnight my house at Lambeth was beset with five hundred persons of the Rascal Routous multitude; I had notice, and strengthened the house as well as I could, and God be blessed I had no harm: since I have got Cannons, and fortified my house as well as I can, and hope all may be safe: But yet *Libels* are continually set up in all places of note in the City.

May 21. Thursday, one of the chief being taken, was condemned at Southwark, and hanged and quartered on Saturday morning following May 23. some of these mutinous people came in the day time, and brake the *White Lyon Prison*, and let loose their fellows, both out of that Prison and the *Kings Bench*, and the other Prisoners out of the *White Lyon*.

May 29. Friday, the Convocation sat after the ending of the Parliament till May 29. and then ended, having made in that time *seventeen Canons*, which I hope will be useful to the Church.

*Ibid.* The Bishop of Gloucester, Godfrey Goodman, suspended for Notorious Scandal to the Church, in refusing first to subscribe to the Canons, and after to profess a reservation. He had long before been suspected as inclining to *Popery*.

The Canons were all voted *Nemine dissentiente*, save this Bishop, who had in general consented before.

July 8. Wednesday, being the day of the Solemn Fast, about six of the Clock in the Evening, the Queen was happily delivered of a Son, Christened Henry.

July 10. Friday, I took my Oath to the new Canons at the Council Table, and so did my Lord Bishop of London, and after him the Bishop of Gloucester submitted himself, and took the Oath, and was released out of Prison by the Kings command.

Aaaaaa

July

The Arch-  
bishop of  
Canterburies  
Diary.

An. 1640.



July 22. I Christned the Kings young Son *Henry* at *Oatlands*; the Queen was there happily delivered of him.

August 20. Thursday, His Majesty took his Journey towards the North in haste, upon information that the Scots were entred the Monday before into England, and meant to be at *Newcastle* by Saturday.

August 22. Saturday, a Libel was brought me, found in *Covent-Garden*, animating the Apprentices and Soldiers to fall upon me, in the Kings absence.

September 21. I received a Letter from one *John Rocket*, a name and person unknown to me, he was among the Scots as he passed through the Bishoprick of *Durham*; he heard them in-eigh and rail at me exceedingly; and they hoped shortly to see me, as the Duke was, slain by one least suspected. His Letter and Advice to me, to look to my self.

September 24. A Great Council of the Lords was called by the King to *York*, to consider what way was best to be taken to get out the Scots, and this day the meeting began at *York*, and continued till October 28.

October 22. Thursday, the High Commission sitting at *St. Pauls*, because of the troubles of the times, very near two thousand Brownists made a tumult at the end of the Court, tore down all the Benches in the Consistory, and cryed out, they would have no Bishop, nor no High Commission.

October 27. Tuesday *Simon* and *Jude's Eve*, I went into my upper Study, to see some Manuscripts, which I was sending to *Oxford*: In that Study hung my picture, taken by the life, and coming in I found it fallen down upon the face, and lying on the floor, the string being broken by which it hanged against the wall. I am almost every day threatned with my ruine in Parliament, God grant this be no omen.

Tuesday the Parliament began; the King did not ride, but went by Water to *Kings Stairs*, and through *Westminster-Hall* to the Church, and so to the House.

Wednesday, the Convocation began at *St. Pauls*, the same day *Thomas Viscount Wentworth*, Earl of *Strafford*, accused to the Lords, by the House of Commons, for High Treason, and restrain'd to the Usher of the House.

November 22. Wednesday, he was sent to the Tower.

December 2. Wednesday, a great debate in the House, that no Bishop should be so much as of the Committee for preparatory examinations in this cause, as accounted *causa sanguinis*, put off till the next day.

December 3. Thursday, the debate declined.

December 4. The King gave way, that his Council should be examined upon Oath, in the Earl of *Straffords* case. I was examined this day.

December 16. Wednesday, the Canons condemned in the House of Commons, as being against the Kings Prerogative, the Fundamental Laws of the Realm, the liberty and property of the Subject, and containing divers other things tending to Sedition, and of dangerous consequence. Upon this, I was made the Author of them, and a Committee put upon me, to enquire into all my actions, to prepare a Charge. The same morning in the Upper House I was named an

*Incendiary*



*Incendiary* by the *Scotish Commissioners*, and a complaint promised to be drawn up by to morrow.

*December 18. Friday*, I was accused by the House of Commons, for *High Treason*, without any particular charge laid against me; which they said should be prepared in convenient time. Mr. *Hollys* was the man that brought up the message to the Lords; soon after the Charge was brought into the Upper House by the *Scots Commissioners*, tending to prove me an *Incendiary*: upon which I was presently committed to the Gentleman Usher; I was permitted to go in his company to *Lambeth*, for a Book or two to read in, and such Papers as pertained to my defence against the *Scots*: I staid at *Lambeth* till the evening, to avoid the gazing of the people. I went to Evening Prayer in my Chappel; the *Psalms* of the day 93 and 94. and *Chap. 50. of Esay* gave me great comfort; God make me worthy of it, and fit to receive it.

*December 21.* I was fined 500 l. in the Parliament House, and Sr. *John Lambe* and Sr. *Henry Martin* 250 l. a piece, for keeping Sr. *Robert Howard* close Prisoner, in the case of the escape of the Lady Vicountess *Purbeck* out of the Gate-house, which Lady he kept lewdly, and had children by her: in such a case, say the imprisonment were more than the Law allowed, what may be done for honour and religion sake? *Wednesday*, the Lords ordered me to pay the money presently, which was done: I was forced to sell plate to pay where I borrowed it. *Thursday*, a Parliament man of good note, interested in divers Lords, sent me word, that by reason of my patient and moderate carriage since my commitment, four Earls of great power in the Upper House told him, that the Lords were not now so sharp against me as they were at first; and that now they were resolved only to sequester me from the Kings Council, and to put me from my Arch-bishoprick: so I see what Justice I may expect, since here is a resolution taken, not only before my answer, but before my charge was brought up against me.

*February 14. Sunday, A. R.* And this if I live and continue Archbishop of *Canterbury* till after *Michaelmas* day come twelvemonth *Anno 1642.* God bless me in this.

*February 26. Friday*, This day I had been full ten Weeks in restraint at Mr. *Maxwells* house, and this day, being *St. Augustines day*, my charge was brought up from the House of Commons to the Lords, by Sr. *Henry Vane* the younger; it consisted of fourteen Articles: These general, they craved time to prove in particular. The Copy of this general charge is among my papers; I spake something to it, and the Copy of that also is among my papers. I had favour of the Lords not to go to the *Tower* till the *Monday* following.

*March 1.* I went in Mr. *Maxwells* Coach to the *Tower*: no noise till I came to the end of *Cheapside*; but from thence to the *Tower* I was followed, and railed at by the people and rabble in multitudes to the very *Tower* gates; where I left them, and I thank God he made me patient.

*March 9. Shrove-Tuesday, &c.* was with me in the *Tower*, and gave great engagements of his faith to me.

*March 13. Saturday*, the Lord *Brooks* dined with the Lords, at the new house built by the King at *Lambeth*: three of the Lords in Boat together, one of them saying, he was sorry for my commitment, because the building of *St. Pauls* went slow on the while; the Lord *Brooks*

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replied, I hope one of us shall live to see no one stone left upon another, of that building.

March 21. Monday, a Committee for Religion setled in the Upper House of Parliament, ten Earls, ten Bishops, ten Barons; so the Lay Votes will be double to the Clergy. This Committee will meddle with Doctrine as well as Ceremonies, and will call some Divines to them, to consider of the business; as appears by a Letter hereto annexed, sent by the Lord Bishop of Lincoln to some Divines, to attend this service: upon the whole matter, I believe this Committee will prove the *National Synod of England*, to the great dishonour of the Church: And what else may follow upon it, God knows.

March *ibid.* Monday, the Earl of *Strafford's* Tryal began in *Westminster-Hall*, and it continued till the end of *April*, taking in the variation of the House of Commons, who after a long hearing, drew a Bill of *Attainder* against him.

We begin this Year with Warlike Preparations for a second Expedition against the *Scots*; and being unwilling to give a short Abstract of those Preparations, we set down at large the very Orders made upon that occasion by the Lords of the Council, and others in Power and Authority.

*Copies of Letters directed to the several Counties hereafter following, for the Levying of Soldiers which are to March by Land to Newcastle upon Tine.*

A List of  
Soldiers to be  
Levied for  
the second  
Expedition  
against the  
*Scots*, to  
march by  
Land.

After, &c. to your good Lordship: By His Majesties Letters sent herewith, your Lordship will understand His pleasure and intention for the levying of Foot within that County of your Lieutenancy, for the necessary defence of the Realm. By which Letter your Lordship is referred to us for such Instructions and Directions as shall be requisite for that service. We have therefore thought good to pray and require your Lordship, to give present and effectual Order to your Deputy Lieutenants, forthwith to meet, and in the first place to distribute the Number of men to be raised in the several Hundreds of that County, and to take especial care, that there be a very good Choice made of the men out of the Trained Bands there, that they be of able Bodies and Years meet for this Employment. Where any Free-holder hath used to have his Arms born by another man, that other man is to be pressed to serve, if he be of able body: and where a Free-holder hath served with his own Arms, and is not fit or willing to serve himself, he is to find another able man to serve in his place; and if he cannot procure another, then your Lordship or your Deputy Lieutenants are to cause another able man to be pressed to serve. And where any man hath used to bear the Common Arms of the Parish, if he be fit and able of body, he is to be taken; but if he be unfit, a sufficient man is to be pressed in his stead. Your Lordship is especially to take care, that in this Liberty given to change men to serve in the place of the trained Souldiers, there be not any rewards or money taken, which was an abuse too much practised the last year, and



and now in examination, to receive Condign punishment. As for the choice of the men, our very good Lord the Earl of *Northumberland*, Lord General of His Majesties Army, will forthwith send into that County Commanders to assist your Lordship and your Deputy Lieutenants in the Choice and Lifting of them. And when they shall be in such manner lifted, your Lordship is to take effectual order, that there be no alteration of any of them, without a particular Warrant under the hand of your Lordship, or two of your Deputy Lieutenants. The men to be raised, are to be appointed to meet in Companies of one hundred a piece at particular Rendezvouz in that County most convenient for each hundred men, till the tenth of *May* next, to be Weekly exercised with false Fires or no Fire, by such inferiour Officers, as the Lord General shall send down to instruct them in their postures, and the use of their Arms: to which purpose, your Lordship is to cause the Arms of the Trained Bands to be lent unto them, which shall be re-delivered back, when they shall march out of that County. Your Lordship is likewise to take order, that there be prest, and sent with the said Soldiers one Drum and Drummer to every hundred men, who shall enter into His Majesties pay, as soon as the said Soldiers shall march out of that County. Besides the said particular Rendezvouz, where the several Companies are to meet in that County, your Lordship is to cause one General Rendezvouz to be appointed on the Confines of that Shire, most convenient for the said Soldiers march towards *Newcastle* upon *Tine*; to which General Rendezvouz in that County, the said Soldiers are to be brought the tenth of *May*, and to remain there till the twentieth of the same Month, to be there exercised and put in order for their March towards *Newcastle*, by such Commanders and Officers as shall be sent thither by the Lord General, to whom your Lordship is to send present advertisement, what place you appoint for the said General Rendezvouz of that County. The Soldiers are to be allowed at the charge of that County 8 *d.* a piece *per diem* for every day they shall be exercised, at the particular Rendezvouz in that County. And from the tenth of *May* till the twentieth. The charge also of conducting the said men to the General Rendezvouz of the County, is to be born by that County. Your Lordship (or at least) two of your Deputy Lieutenants are to be at the General Rendezvouz of the County by the tenth of *May*, as well to assist in keeping of the men in order, as to take care for the receiving back from them the Arms of the County, and to deliver the said men over by Indenture, to such Commanders and Officers, as shall be appointed to receive and take charge of them: of which Indentures, one part is to be signed by your Lordship, or two of your Deputy Lieutenants, and the other by the said Commanders or Officers that shall receive the men; and Duplicats of the said Indentures are to be sent by your Lordship, one to this Board, and another to the Lord General. As His Majesty is graciously pleased for the ease of that County, that all the Soldiers shall enter into His Majesties pay as soon as they shall march out of the Confines of that Shire towards *Newcastle*; so he expects, that the more readines and care be used in the raising and keeping them together while they shall be there; and that they be sent away well Cloathed and Coated at the charge of that County; all which charges and allowances, as well for the

16 Caroli.

Coating,

An. 1640.

Coating as for the entertainment of the said men in their exercising, and Conducting to their General Rendezvouz of that County; His Majesties Pleasure and Command is, that your Lordship do cause the same to be Levied in that County as hath been used heretofore in cases of less Importance. And the Counties are to be repaid the same upon Accompt thereof made out of his Majesties Exchequer, in such manner as in former times, upon the like occasion. And lastly we do expect and require the Justices of peace, and other Officers in their several Divisions to be aiding and assisting to your Lordship and your Deputy Lieutenants in this Service, &c.

*Letters directed to the several Counties hereafter following, for the Levying of Souldiers which are to be sent by Sea.*

Souldiers to  
be Levied  
and to march  
to Sea-port  
To vns.

AFTER &c. to your good Lordship. By his Majesties Letters sent herewith your Lordship will understand his pleasure and intention for the Levying of three hundred Foot in the County of *Cambridge*; Six hundred in the County of *Suffolk*; Six hundred in the County of *Dorset*, and Three hundred in the *Cinque-Ports*, for the necessary Defence of the Realm. By which Letter your Lordship is referred to us for such Instructions and Directions as shall be requisite for that Service. We have therefore thought good hereby to pray and require your Lordship to give present and effectual order to your Deputy Lieutenants in each County respectively, forthwith to meet, and in the first place to distribute the Numbers of men to be raised in the several Hundreds of every particular County, and to take special Care, that there be a very good choice made of the men; out of the Trained Bands there, that they be of able Bodies and years meet for this imployment. Where any Free-holder hath used to have his Arms born by another man, that other man is to be pressed to serve if he be of able Body. And where any Free-holder hath served with his own Arms, and is not fit or willing to serve himself, he is to find another able man to serve in his place; and if he cannot procure another, then your Lordship, or your Deputy Lieutenants are to cause another able man to be pressed to serve. And where any man used to bear the common Arms of the Parish, if he be fit and able of Body, he is to be taken; but if he be unfit, a sufficient man is to be Prest in his stead. Your Lordship is especially to take care, that in the Liberty given to change to serve in the place of Trained Soldiers, there be not any rewards or money taken, which was an abuse too much practised in the last year in some Counties, and now in Examination to receive condign punishment. As for the choice of the men, our very good Lord the Earl of *Northumberland*, Lord General of his Majesties Army, will forthwith send into those Counties Commanders to assist your Lordship and your Deputy Lieutenants in the Choice and Lifting of them: And when they shall be in such manner Lifted, your Lordship is to take effectual order that there shall be no alteration of any of them without a particular Warrant under the hand of your Lordship, or two of your Deputy Lieutenants. The men to be Raised in each County, are to be appointed to meet in Companies of one hundred a piece, at their particular Rendezvouz in each County respectively; most convenient



venient for each hundred men, untill they shall be brought to the General Rendezvouz, in the several Counties, to be weekly exercised with false fire, or no fire, by such inferiour Officers as the Lord General shall send down to instruct them in their Postures and use of their Arms. To which purpose, your Lordship is to cause the Armes of the Trained Bands to be lent unto them, which shall be delivered back when they shall march out of the Counties. Your Lordship is likewise to take Order that there be Prest and sent with the said Soldiers one Drum and Drummer to every hundred men, who shall enter into His Majesties pay as soon as the said Souldiers shall march out of the Counties. Besides each particular Rendezvouz, where the several Companies of one hundred apiece are to meet in those Counties; your Lordship is to cause one general Rendezvouz to be appointed on the Confines of each Shire most convenient for the said Soldiers march towards the several Ports or places following (*viz.*) the Six hundred men from the County of *Dorset* to *New-Castle upon Tine*. The three hundred from the County of *Cambridge*, and the six hundred men from the County of *Suffolk* to *Yarmouth*; and the three hundred men from the Cinque-Ports to *Gravesend*. To which General Rendezvouz in each County respectively; those from the County of *Dorset* are to come the tenth of *May*, to remain there till the twentieth; then to march towards *Newcastle*. Those from the County of *Cambridge* are to come to the General Rendezvouz of that County on the twenty fifth of *May*, to remain there till the fifth of *June*, then to march to *Yarmouth*, that they may be there ready to be Shipped on the tenth of *June*. Those from the County of *Suffolk* are to come to the General Rendezvouz of that County on the twenty seventh of *May*, to remain there till the sixth of *June*, then to march to *Yarmouth*, that they may be there ready to be Shipt on the eighth of *June*. Those from the Cinque-ports are to come to their General Rendezvouz the twenty first of *May*, to remain there till the first of *June*, then to march to *Gravesend*, that they may be there ready to be Shipped the fourth of *June*. And they are all to be at the said General Rendezvouz of the several Counties exercised and put in order for their march towards the said Ports and places by such Commanders and Officers as shall be sent thither by the Lord General, to whom your Lordship is to send present advertisement what places you appoint for each General Rendezvouz of every County. The Soldiers are to be allowed at the charge of every County respectively, eight pence a piece *per diem*, for every day they shall be exercised at each particular Rendezvouz in Companies as aforesaid of one hundred a piece, in every of the said Counties, as also for the time they shall remain at the General Rendezvouz in their several Counties, untill they march out of the County. When they are to enter into his Majesties pay, your Lordship or at least two of your Deputy Lieutenants for every County are to be at each General Rendezvouz of the said Counties, by the times afore set down for the same, as well to assist for the keeping of the men in order, as to take care for the receiving back of the said Arms from them, and to deliver the said men over by Indenture to such Commanders and Officers as shall be appointed to receive and take the charge of them, of which Indenture

An. 1640.

one part is to be signed by your Lordship or two of your Deputy Lieutenants, and the other by the said Commanders or Officers that shall receive the men. And Duplicates of the said Indentures are to be sent one to this Board, and another to the Lord General. As his Majesty is graciously pleased for the ease of the Counties that all the Souldiers shall enter into pay, as soon as they shall march out of the Confines of each Shire towards the Ports and places afore said of *Newcastle, Tarmouth, and Gravesend*: so he expects that the more care and readinels be used, in the raising and keeping of them together while they shall be there, and that they be sent away well Cloathed and Coated at the charge of the Counties; all which charges and allowances as well for the Coating as the entertainment of the said men, in their exercising and conducting to their General Rendezvouz of each County, His Majesties Pleasure and Command is, that your Lordship do cause the same to be Levied in each of those Counties respectively, as hath been used heretofore in cases of less importance; and the Counties are to be repaid the same upon accompt thereof made, out of his Majesties Exchequer, in such manner as in former times upon the like occasion. And lastly we do expect and require the Justices of Peace, and other Officers in their several Divisions to be aiding and assisting to your Lordship and your Deputy Lieutenants, in the performance of all this Service, as they are directed by his Majesties Letters of Lieutenancy to you under the Great Seal, and as the practice hath been in former times. Whereof the said Justices of Peace, and other Officers are to take notice upon your imparting these Letters unto them. And so we bid, &c. From *White-Hall* the twenty sixth of *March 1640.* Signed

Lord Arch-bishop of Canterbury.

Lord Keeper.

Lord Coring.

Lord Treasurer.

Earl Marshall.

Lord High-Admiral.

Earl of Salisbury.

Earl of Berks.

Lord Cottington.

Mr. Treasurer.

Mr. Comptroller.

Mr. Secretary Windebanke.

Lord Chief Justice of the Common Pleas.

*A List of the number of Souldiers that are to go by Sea: and where to be Shipped.*

Souldiers  
when and  
where to be  
shipped.

*Sussex* 600. to be shipt the sixth of *June*, at *Gravesend*, to be at the General Rendezvouz the twentieth of *May*, to march thence the first of *June*.

*Surrey* 800. to be shipt the sixth of *June* at *Gravesend*, to be at the General Rendezvouz the twenty first of *May*, to march thence the second of *June*.

*Kent* 700. to be shipt the fourth of *June* at *Gravesend*, to be at the General Rendezvouz the twenty third of *May*, to march thence the third of *June*.

*Cinque-Ports* 300. to be shipt the fourth of *June* at *Gravesend*, to be at the General Rendezvouz the twenty first of *May*, to march thence the first of *June*.

Middlesex





*Middlesex* 1200. to be shipt the eighth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the third of *June*.

*Hertford* 650. to be shipt the fifth of *June* at *Harwich*, to be at the General Rendezvouz the twentieth of *May*, to march thence the one and thirtieth of *May*.

*Essex* 700. to be shipt the fourth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the third of *June*.

*Buckingham* 500. to be shipt the sixth of *June* at *Harwich*, to be at the General Rendezvouz the twentieth of *May*, to march thence the first of *June*.

*London* 1200. to be shipt at *Blackwall*.

*Huntingdon* 400. to be shipt the tenth of *June* at *Tarmouth*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

*Suffolk* 600. to be shipt the eighth of *June* at *Tarmouth*, to be at the General Rendezvouz the twenty seventh of *May*, to march thence the sixth of *June*.

*Norfolk* 750. to be shipt the eighth of *June* at *Tarmouth*, to be at the General Rendezvouz the twenty eighth of *May*, to march thence the seventh of *June*.

*Cambridge* 300. to be shipt the tenth of *June* at *Tarmouth*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

*Bedford* 400. to be shipt at *Tarmouth* the tenth day of *June*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

*Lincoln* 200. to be shipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty ninth of *May*, to march thence the ninth of *June*.

*Nottingham* 300. to be shipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty seventh of *May*, to march thence the sixth of *June*.

*Derby* 400. to be shipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

The total is 10000. Men.

Letters directed to the several Counties hereafter following, for the providing of Horses and Carts for Carriage of the Train of Artillery.

**A**fter &c. to your good Lordship, Whereas the necessity of the Defence of the Realm, at this time doth continually require from Us a care by all fit means to provide for the strength and advancement of His Majesties service and Army, now in raising for the Northern parts, and all things incident thereunto; for which purpose, there is nothing more necessary, than a fit provision to be made of Horse for the Train of Artillery, and for the carriage of Ammunition and all other requisite provisions: We have therefore thought fit, to pray and require your Lordship to take order, B b b b b b that

Horses and Carters for the Train of Artillery.

An. 1640.



that there may be provided strong and able horses, and able Carters to take care of them within the Limits of your Lieutenancy, in such places where they may be most conveniently had, to be ready at *Newcastle* upon *Time*, by the fifteenth of *June* next. And for the charge of sending the horses and Carters to the Rendezvouz at *Newcastle*, the same is to be born by that County, but when they shall arrive there, they shall enter into His Majesties pay of 12 d. *per diem* for every horse, and 8 d. *per diem* for every Carter, and shall be continued therein, so long as they shall remain in his Majesties service: and when they shall be discharged, an especial care shall be had, and a convenient allowance for their return home again. And lastly, we do expect and require the Justices of Peace and other Officers in their several Divisions, to be aiding and assisting to your Lordship and your Deputy Lieutenants in the performance of all this service as they are directed by his Majesties Letters of Lieutenancy to you under the Great Seal, and as the practice hath been in former times. Whereof the said Justices of Peace and other Officers are to take notice upon your imparting these Letters unto them. And so, &c. Dated the twenty sixth of *March* 1640.

Signed Lord Arch-bishop of *Canterbury*, &c.

*A Proclamation against Libellous and Seditious Pamphlets and Discourses from Scotland.*

*March* 30.  
1640.

‘**W**Hereas of late fundry late seditious and libellous Pamphlets and Discourses, as well Manuscripts as in Print, have been sent from Scotland and other parts of his Majesties Dominions, and spread and published in divers places of this Kingdom of *England*, especially in the City of *London*, which have been framed and contrived by factions spirits, and such as endeavour to cast most unjust and false aspersions and scandals upon his Majesty and his Government, and upon his proceedings with his subjects in *Scotland*, and to distemperate and alienate from his Majesty the hearts of his well affected subjects, and such as otherwise are no way inclined to such seditious and disloyal courses: His Majesty having taken these disorders into serious consideration, and finding them of dangerous consequence to his Government, if sometimely remedy be not applied; hath with the advice of his Privy Council, thought fit to publish and declare, and by these presents doth publish and declare, that all and every person and persons, of what degree or quality soever, now have, or hereafter shall have any such libellous and seditious Discourse or Pamphlet, either in Manuscript or Print, concerning his Majesties proceedings with his subjects in *Scotland*, (other than such Relations and Discourses concerning the same, as have been published and printed by his special Licence and Authority) and shall not within ten daies after the date of these presents, bring and deliver the same to one of his principal Secretaries of State, all and every such person and persons shall incur the uttermost of such punishments and penalties, as by the Laws of this Realm are to be inflicted upon those that keep such scandalous and seditious Pamphlets and Papers.

‘*And*



‘ And whereas there hath been of late a Pamphlet published in print, intituled, *An Information from the States of the Kingdom of Scotland to the Kingdom of England*, containing many notorious *falsehoods and scandals*, to the dishonour of his Majesties proceedings with his subjects in Scotland, sundry Copies of which printed Discourse have been sent from Scotland to divers of his Majesties subjects in England, especially in the City of London :

‘ And whereas there have been very lately sundry copies of that *false and seditious Pamphlet re-printed and published in another Edition, and dispersed in the said City of London*, and in sundry other parts of this Kingdom : His Majesty having acquainted the Lords of his Council therewith, and caused the same to be read at the Board, and the said Lords in detestation of so scandalous, seditious and false a discourse, having made humble suit to his Majesty with one consent, that the same might be publickly burnt by the Hangman ; His Majesty therefore holding it most necessary, that some such publick demonstration should be made of so great and enormous an insolency, tending to raise Mutiny and Sedition in the Kingdom, is pleased to Declare by these presents, *That no person or persons hereafter, of what degree or condition soever, presume to keep any Copy of any of the Editions of the said Pamphlet, but that within ten dayes after this Proclamation published, every such person or persons dwelling in the Countrey remote from London, shall deliver to the next Justice of the Peace adjoyning to his or their dwelling, all and every Copy and Copies thereof, of what Edition soever, the same to be by the said Justices of Peace immediately sent or brought to one of his Majesties principal Secretaries, upon peril of incurring the uttermost of such punishments and penalties as by the Laws of this Realm are to be inflicted upon those that keep such scandalous and seditious Pamphlets and Papers, his Majesty hereby pardoning and remitting unto such persons as have formerly had any Copy of the said Discourse in their custody, and shall deliver the same according to this Proclamation, all their offences in their former detaining thereof.*

‘ And if hereafter any seditious and scandalous Pamphlets of like nature, either Manuscripts or printed, concerning his Majesties proceedings in Scotland, or any other Relations or Discourses concerning the same, shall be published or divulged, other than such Relations or Discourses as shall be printed or published by his Majesties special Licence or Authority, and that they shall come into the hands of any of his Majesties subjects, who shall not within ten dayes after bring the same unto one of his Majesties principal Secretaries of State, if they into whose hands they shall come be or remain in London, or within twenty miles distance of the same, or if they shall remain or be in parts more remote, shall not bring the said seditious Pamphlets or Discourses to one of his Majesties Justices of the Peace, to be by him sent to one of his principal Secretaries of State as aforesaid, his Majesty by the advice of his Council doth declare, that then every person so offending, shall incur his Majesties high displeasure, and the uttermost of such penalties and punishments, as by the Laws of this Realm are to be inflicted upon those that keep such scandalous and seditious Papers and Pamphlets without pardon or remission.

An. 1640.

Lord Conway  
to be assisted  
in levying of  
men.

*A Copy of Letters directed to the Lord Lientenants and Deputy Lientenants of the severall Counties, to be assisting to the Lord Conway, for the raising and levying of men.*

**A**fter &c. to your good Lordship, Whereas a Commission hath been given by our very good Lord, the Earl of *Northumberland*, Lord General of his Majesties Army and Forces sent into the Northern parts, by which his Lordship by vertue of his Majesties Commission under the Great Seal to him directed, hath constituted and appointed our very good Lord the Lord *Conway*, his *Deputy* for the Government of the said Army in his Absence, and of the Horse Troops already levied, and hath given to him sundry powers, directions and authorities, as by the said Letters under the said Lord Generals hand and seal more at length appeareth, We have thought fit hereby to pray and require your Lordship, and your Deputy Lientenants, according to his Majesties special Command, to be aiding and assisting unto the said Lord *Conway* in the Government of the said Army, and Troops of Horse, and for the raising and levying of the Trained Bands of Horse and Foot of your County, to make resistance to any Enemies, or to assail them according to the tenor of his said Commission, and to be aiding unto him both by your Council, and all other fit wayes and means as he shall desire, and as the occasions shall require. Whereof you may not fail, for such is his Majesties especial Direction and Command. Dated the last of *March* 1640. Signed

*Lord Arch-bishop of Canterbury.*

*Lord Keeper.*

*Lord Treasurer.*

*Marquess Hamilton.*

*Earl Marshal.*

*Lord Admiral.*

*Lord Chamberlain.*

*Earl of Salisbury.*

*Lord Goring.*

*M. Treasurer.*

*Mr. Comptroller.*

*Mr. Secretary Windebanke.*

*Lord Chief Justice of the Common Pleas.*



At the Court at WHITE-HALL,  
the First of *April* 1640.

Present

The Kings Most Excellent Majesty,

*Lord Arch-bishop of Canter-*  
*bury.*

*Lord Keeper.*

*Lord Treasurer.*

*Lord Duke of Lenox.*

*Lord Marquess Hamilton.*

*Earl Marshal.*

*Lord Admiral.*

*Lord Chamberlain.*

*Earl of Salisbury.*

*Earl of Dorset.*

*Earl of Holland.*

*Earl of Berks.*

*Earl of Traquaire.*

*Lord Goring.*

*Mr. Treasurer.*

*Mr. Comptroller.*

*Mr. Secretary Windebanke.*

*Lord Chief Justice of the Com-*  
*mon Pleas.*

**T**HIS day his Majesty sitting in Council, was pleased to commu-  
nicate to the Lords the contentment he had received, as con-  
cerning the proceedings of his subjects of the Kingdom of *Ireland*  
there assembled in Parliament, and for their Lordships information  
therein, did require Mr. Secretary *Windebanke* to read the Letters by  
him newly received from his Majesties Council there, together with  
the Declaration of the House of Commons made upon the twenty  
third of *March* last past, touching the grant of four Subsidies, and  
the unanimous expression of their Loyal affection to his Majesties ser-  
vice and Person, and their humble acknowledgement of the great  
favours and benefits which they enjoyed through his Majesties gra-  
cious and happy Government, which Letters and Declaration ha-  
ving accordingly been read, his Majesty further acquainted the  
Board, that by other Letters he was advertised, that the Upper  
House of Parliament there, had likewise expressed the same affecti-  
on, and consented in all that had been agreed or declared by the  
House of Commons, they also desiring, that as much might like-  
wise be signified to his Majesty on their parts, and be made publick  
also to all the World. Their Lordships were thereupon filled with  
Joy, which they as fully expressed to his Majesty; and after delibe-  
ration thereof had, it was by his Majesty with advice of the Board  
ordered, that the said Letter from his Majesties Council in *Ireland*,  
and Declaration of the House of Commons, should be entred in  
the Register of the Council Causes, to remain there as a Record unto  
posterity, and that Copies of the Declaration should not be refused  
to any that desired the same. The Tenour of which Declaration and  
Letter was as followeth.

A Letter from  
the Council in  
*Ireland*, with  
the free De-  
claration of  
the House of  
Commons,  
whereby they  
give to the  
King four  
Subsidies.

SIR,

An. 1640.

S I R,

**T**HE resolution taken this day in the Commons House of Parliament ; and the observable circumstances which occurred therein, in our view who have the honour to serve his Majesty, as of his Privy Council here ; and who as members of the house of Commons, were present and Co-operating in that Resolution, have rendred to us such inward joy and contentment, in the apprehension of the intire affections and great Loyalty of this people, abundantly testified thereby, as we esteem it our duties to hasten the glad advertisement thereof to his Sacred Majesty.

After the proposal of such Acts of Grace and advantage to the subject, as we conceived most fit to lead in order to the propounding of the Subsidies ; six Subsidies were demanded for his Majesty. Whereupon divers members of the House spake thereunto ; some of the Natives declaring, That as six were granted the last Parliament, towards enabling the King to pay the debts contracted for the occasions of this Crown, and for the better settlement of the revenues, so at this time six or more are fit to be given, it being apparent that the peace and safety of the Kingdom are become so nearly concerned. Some also of the Natives shewing divers precedents in ancient Times, and among those, some, whereby the King by a Mandate from himself alone without a Parliament, caused moneys and goods to be taken in Ireland from Merchants and others, towards defraying the Charges of his Expeditions against the Scots, for defence of his Kingdom : And those having enlarged themselves in that point, mentioned the abundant Clemency and Piety of his Majesty, in being so indulgent to his Subjects, as to decline that example of his Progenitors, and require Aid of his Subjects in a Parliamentary way. Some of them said that his Majesty should have a fee simple of Subsidies in their Estates upon like occasions, others of them with great cheerfulness declared that to answer his Majesties occasions for the Honour of his person, and safety of his Kingdoms, it was fit to be done though it were with leaving themselves nothing besides Hose, and Doublet ; some of them with much earnestness after forward expressions of readiness towards advancing the business, concluded that as his Majesty is the best of Kings, so his people should strive to be ranked amongst the best of Subjects. Thus every of them in a manner, seeming to contend with one another, who should shew most affection and forwardness to comply with his Majesties Occasions ; and all of them expressing even with passion how much they abhor and detest the Scottish Covenanters, and how readily every mans hand ought to be laid on his Sword, to assist the King in the reducing of them, by force to the Obedience and Loyalty of Subjects, they desired that themselves and others of this Nation might have the honour to be employed in this Expedition, and declared with very great Demonstration of cheerful affections, That their hearts contained Mines of Subsidies, for his Majesty, That Twenty Subsidies, if their abilities were equal with their desires, were too little to be given to so sacred a Majesty, from whose Princely Clemency, by the ministration of the Lord Lieutenant, so many and so gracious favours are continually derived unto them, That the promises made unto them by his Lordship the last Parliament on his Majesties behalf, have been fully and effectually performed in all things to their Comfort and Contentment ; That the Subjects of this Kingdom are infinitely bound to his Majesty for his gracious favour in giving them the first opportunity, thus early before others of his Subjects, to manifest their faith and Loyalty to him ; and in the end con-

siliating



considering the present Condition of the Kingdom, and how Unable they are without too much pressure to advance more at this time, They humbly besought that by the Lord Lieutenants interposition to his Majesty, four Subsidies might be accepted from them at this time; yet with this Declaration made by them, with as much Demonstration of Loyalty as ever Nation or people expressed towards a King, That if more than these four shall be requisite and the occasions of the War continue, They will be ready to grant more; and to lay down their Persons, Lives and Estates at his Majesties Feet, to furnish his Royal Designs for Correction of the disordered factions in Scotland, and reducing them to a right understanding of themselves, and for the defence and safety of his Majesties Kingdoms and people. And they earnestly desired us of the Council then present, that immediately after the rising of the house, we would represent this from the house to the Lord Lieutenant, which they did with General Acclamations and signs of Joy and Contentment; even to the throwing up of their hats, and lifting up of their hands.

The question being put for the granting of four Subsidies, with such a Declaration to be made, beside the Act of Subsidie, It was unanimously assented unto by the whole House, there being found therein not one Negative Voice; which we mention for the glory of his Majesty that hath so good and Loyal Subjects, and for the Honour of this Government and Nation; And at the request of the House, select Committees were appointed to draw up the Declaration, which will be printed with the Act of Subsidy.

And we intreat you as speedily as you may to make known to his Majesty these passages, which are, (as we humbly conceive) of mighty importance to the Honour of his Majesty and safety of his Dominions.

And because no words are able fully to set forth the cheerfulness wherewith this people did in this particular manifest their sense of his Majesties Occasions, by their desires to further his Royal Intentions, and their entire affections to preserve the honour of his Person, and all with most lively expressions of their Duty and Loyalty towards him; We of his Council could have wished if it had been possible that his Majesty had been in his own Person an eye-witness of this dayes carriage, which we humbly conceive would have been of much more value in his Royal Estimation than Twenty Subsidies. And so Sir we remain, from his Majesties Castle of Dublin the twenty third of March 1639.

Your very assured Loving Friends,

John Dillon.  
William Parsons.  
Ph. Maenwaring.  
Edward Trevor.  
William St. Leger.  
Chr. Wandesford.

Cha. Coote.  
Geo. Radcliffe.  
Adam Loftus.  
John Borlasse.  
Tho. Rotherham.  
Ro. Meredeth.

An. 1640.

A Declaration  
of the Irish  
Parliament.*A Declaration of the Commons House of Parliament.*

‘ **W**Hereas they have with one consent cheerfully given to his Majesty four entire Subsidies, towards his present preparation to reduce his disaffected Subjects the Covenanters in *Scotland* to their due Obedience, They still hope that his Majesties great Wisdom and unexampled clemency may yet prevail, even with the worse affected of those his Subjects, to bring them to that Conformity and submission, which by the Laws of God and Nature they owe unto him. But if his Majesty shall be enforced to use his power to Vindicate his just Authority, this House for themselves, and the Commons of this Kingdom do profess, that their zeal and duty shall not stay here at these four Subsidies. But they do humbly offer their Persons and Estates, even to the utmost of their ability, for his Majesties future Supply in a Parliamentary way, as his great occasions by the continuance of that distemper shall require. This they pray that it may be represented to his Sacred Majesty, by the Right Honourable the Lord Lieutenant, That it may be recorded as an Ordinance of Parliament; and that it may be Published in Print for a Testimony to all the World and succeeding Ages, That as this Kingdom hath the happiness to be Governed by the best of Kings, so they are desirous to give his Majesty just cause to account of this people amongst the best of his Subjects.

**T**He Privy Council was careful to provide all things Necessary in order to the carrying on of the War in *England* against the Scots, whatever the Issue of the Parliament should prove to be, and took special care for Provisions for the Horse, as by the Instructions and Orders following do appear.

*Instruction for John Gibbon Esquire, appointed by Commission under the Great Seal of England to be Commissary and Provider for Provisions for the Horse belonging to his Majesties Army.*

Commissary  
of Provisions  
his Instru-  
ctions.

**F**irst, You are to attend the Lord General of his Majesties Army, and to take direction from his Lordship from time to time what Quantities of Oates, Beans, Hay, and other provisions for Horse will be requisite and wanting, and provide the same by vertue of your Commission, and cause them to be provided from time to time to such places as his Lordship shall direct you; and for the present you are to provide the quantity of six hundred Loads of Hay, and three thousand quarters of Oates to be laid in at *Barwick* before the last of *June*.

You are to require the assistance of the Justices of Assize, and Deputy Lieutenants, and likewise of the Peace jointly in Sessions or severally as occasion shall require, and as in your discretion shall seem best for the service, to which end Letters of Assistance are directed unto them.

For Coveyance and Carriage of those Provisions you shall by vertue of your Commission, and your Letters of Assistance provide the



the same both by Land and Water, that is to say, either ships by Sea, or Boats by Rivers, as likewise all kind of Land Carriages, by Carts, Waggon, Horses, &c. at such moderate prices as you can agree upon.

You shall from time to time give due advertisement to the Lord General of his Majesties Army, or such as his Lordship shall appoint, letting his Lordship know where you are, and how you proceed in the particular Services.

You shall likewise employ your sufficient Deputies for the better expedition of the service, and to that end divers Duplicats of your Commission are to be sealed with the Great Seal.

If in the execution of this service, you shall find any persons either negligent in giving Assistance, or refractory in their Obedience, you shall give accompt thereof either to the Lord General, or to the Lords of the Council here, as you shall judge of the Reformation to be more speedily expected in respect of the place and distance.

You shall give your Passports or Certificates to all such as you shall employ in carriage of those Provisions you shall make, signifying that they are carried by your order, requiring all persons to be aiding and assisting unto the Conveyers, and not to presume to divert or hinder them in their passage to those places you have directed them. And in those passports you shall require all his Majesties Officers and Ministers to be aiding and assisting; and the like Passports your Deputies shall give from those places, where they shall make any provisions for your direction.

If in the Execution of this service you shall find any defect in the Commission, Power and Instructions given you, or your Deputies, you shall further advertise the same unto one of the principal Secretaries of State, that so it may be supplied.

Lastly, howsoever there is a fee allowed you in the establishment of the Army, yet because other summs may peradventure be necessarily expended both in respect of the charge of your Deputies, as many other wayes, his Majesty hath given order that the same shall be from time to time payed unto you upon such bills as you shall present unto the Lord Treasurer and Chancellor of the Exchequer, and which they shall allow of. Dated and Signed as the Warrants.

*An open Warrant directed to all his Majesties Lords Lieutenants of Counties, their Deputies, Justices of Assize, Justices of Peace, Sheriffs, Mayors, and to all Admirals, Vice-Admirals, Bayliffs, Headboroughs, Constables, and all other his Majesties Officers and Loving Subjects whatsoever.*

**W**Hereas his Majesty by Commission under the Great Seal of England, bearing date the first of April, hath been pleased to nominate and appoint *John Gibbon Esq;* to be Commissary and provider of all manner of Provisions for the Horse belonging to the Army, now going towards the Northern parts; As likewise for providing all manner of Carriages, as well by Land as by Water, and whatsoever else shall be incident and necessary for that service, as more

16, Caroli.



Concerning Provisions for Horse in his Majesties Army in the Northern parts.

An. 1640.



at large doth appear by the said Commission : And for that the due and diligent execution of this service doth highly concern the prosperity and good success of his Majesties affairs, These shall be in his Majesties Name, strictly to charge and require all those his Ministers whom it doth concern, and especially those to whom these presents are directed, to be furthering, aiding and assisting unto the said *John Gibbon* his Agents and Deputies in the execution of the said Commission. And in case any person or persons shall be found disobedient or refractory in the performance of whatsoever may conduce to the execution and discharge of the said Commission, and duly required from the said Commissary, They shall proceed by all lawful means and wayes for the exemplary and speedy punishment of such Offenders at their utmost perils. Dated at *White-Hall* the second of *April* 1640.

Twelve of these Warrants were so dated, because they must bear date after the Commission.

Signed

*Lord Arch-bishop of Canterbury.*

*Lord Keeper.*

*Lord Treasurer.*

*Marquess Hamilton.*

*Earl Marshall.*

*Lord High-Admiral.*

*Lord Chamberlain.*

*Earl of Salisbury.*

*Lord Goring.*

*Mr. Treasurer.*

*Mr. Comptroller.*

*Mr. Secretary Windebanke.*

*Lord Chief Justice of the Common Pleas.*

*Sir John Finch*  
Keeper of the  
Great Seal,  
created Baron  
of *Fordwich*.

**A** Patent of Creation granted unto *Sr. John Finch Knight, Lord Keeper of the Great Seal of England, of the Dignity and Honour of Lord Finch of Fordwich in the County of Kent, to him and the heirs Males of his body, with all rights and priviledges to the same belonging.* Hiistestibus, &c. Datum per manum Domini Regis apud Palacium *Westm.* vii. die Aprilis Anno R. sui xvi.

Per ipsum Regem.

*J. F. C. S.*

*Wyllis.*

*The Oath of a Lord Keeper or Lord Chancellor.*

Lord Chan-  
cellor or Lord  
Keepers Oath.

**Y**ou shall swear, That well and truly you shall serve our Sovereign Lord the King and his people in the Office of Chancellor, and you shall do right to all manner of people, poor and rich, after the Laws and Usages of this Realm : And tru-  
ly



ly you shall counsel the King, and his counsel you shall larn and keep, and you shall not know nor suffer the hurt or disinheriting of the King, or that the right of the Crown be decreased by any means, as far forth as you may lett it: And if you may not lett it, you shall make it clearly and expressly known unto the King, with your true Advice and Counsel. And that you shall do, and purchase the Kings profit in all that you reasonably may, As God you help, and by the Contents of this Book.

An. 1640.

**U**Pon report of his Majesties Attorney General, that *sundry Patents, Licences and Commissions* which were last called in and declared void by his Majesties Proclamation, were still detained and kept by the Patentees, and such unto whom those Licences and Commissions were granted, they *refusing* to bring in and deliver up the same, according as by Command and Order of the Board they were enjoyned; which Order was sufficiently made known unto them by *Edward Stockdale*, one of the Messengers of his Majesties Chamber, thereto expressly appointed: It was thereupon ordered, that the said *Edward Stockdale* should by vertue hereof, give warning to all those Patentees, and others concerned in the Licences and Commissions, according to the Schedule set down at the foot of this Order, to bring in the said Patents, Licences and Commissions to the Council Chamber, and with the same, to attend personally on the Board on *Friday* next. Whereof they may not fail, as they will answer the contrary at their perils.

April 10.

1640.

Patents called in still kept on foot, notwithstanding the Kings Proclamation.

The Commission for Brewing and Malting.

A Patent of Register to the Commission for Bankrupts in divers Counties.

The Patent for marking and gaging of Butter Cask.

The Hat-band Makers Grant.

The Patent for making Brick.

The Patent for Kelp and Sea-weed.

The Patent for Sealing of Linnen Cloth.

The Privy Seal for Buttons.

The Patent for Gut-string-making.

The Horners Patent.

The Patent for Lampreys.

The Patent for Transportation of Butter.

The Patent for Gathering of Raggs.

The Patent for Hay and Straw.

*A Warrant directed to Thomas Adams one of the Sheriffs of the City of London, as followeth.*

**W**Hereas his Majesty finds cause to restrain the person of the Lord *Lowden*, and hath made choice of your service and of your House for that purpose; These are therefore in his Majesties Name, to will and require you to receive the said Lord *Lowden* into your custody,

April 11.

1640.

The Lord *Lowden* committed.

An. 1640.



custody, and him safely to keep, until his Majesties pleasure shall be further signified unto you in this behalf. Dated the eleventh of April 1640. Signed

Lord Arch-bishop of Canter-  
bury.

Lord Marques Hamilton.

Lord High Admiral.

Earl of Traquaire.

Lord Cottington.

Mr. Treasurer.

Mr. Secretary Windebanke.

The Parlia-  
ment opened.

ON Monday April 13. the Parliament opened at Westminster. Now because we desire to keep strictly to point of Time, let Military preparations be post-poned till the end of this Parliament, which was dissolved the fifth of May following.

But before the Parliament opened, a Proclamation was made before the Lord Steward in the Lobby as followeth.

### A Proclamation before the Lord Steward.

A Proclama-  
tion before  
the Lord  
Steward.

THE Kings Most Excellent Majesty doth straightly charge and command all manner of Persons, chosen for the Knights, Citizens and Burgeses, to attend in this present Parliament, that they, nor any of them, do presume to sit or take their places in the Lower House of Parliament, until they, and every of them, have first taken the Oaths of Supremacy and Allegiance in the usual manner and place; nor until the Sheriff shall make return of his Writ according to Statute, unto the Clerk of the Crown in Chancery, and his, or their names be there entred in such manner as hath heretofore been accustomed, upon pain of the peril shall fall thereon.

God save the King.

All Knights, Citizens, and Burgeses, chosen to attend this present Parliament, make your appearance, and answer to your Names as you shall be called.



Names of  
Members re-  
turned to  
serve in Parli-  
ament April  
1640.

The Names of the Knights, Citizens and Burgesſes of the Counties,  
Cities and Borough-Towns of England and Wales, and the Ba-  
ronie of the Ports now Summoned to ſit in Parliament holden  
at Weſtminſter the thirteenth day of April 1640. in  
the ſixteenth Year of the Reign of our Sovereign Lord King  
Charles.

Bedford.

**T**homas Lord Wentworth.  
Oliver Luke Knight.  
Town of Bedford.  
Beuchampe St. John Knight.  
Samuel Luke Knight.

Buckingham.

John Hamlden Eſq;.  
Arthur Goodwyn Eſq;.  
Town of Buckingham.  
Peter Temple Knight & Baronett.  
Alexander Denton Knight.  
Borough of Wiccombe.  
Edward Verney Knight Maſhal.  
Thomas Lane Eſq;.  
Borough of Alisbury.  
John Packington Baronett.  
Ralph Verney Eſq;.  
Borough of Agmondeſham,  
alias Amerſham.  
William Drake Eſq;.  
Edward Walter Junior Eſq;.  
Borough of Wendover. q  
Walter Pye Knight.  
Robert Crooke Eſq;.  
Bennet Hoſkins Eſq;.  
Borough of Merlowe.  
John Burlace Eſq;.  
William Hicks Knight.

Berkſhire.

John Fettiplace Eſq;.  
Henry Marten Eſq;.  
Borough of New Windſor.  
Arthur Ingram Knight.  
Richard Harriſon Knight.

Borough of Reading.

Francis Knowles Senior Knight.  
Francis Knowles Junior Knight.  
Borough of Wallingford.  
Edmond Dunch Eſq;.  
Unton Croke Eſq;.  
Borough of Abingdon.  
George Stonehouſe Baronett.

Cornwall.

Francis Godolphin Eſq;.  
Richard Buller Knight.  
Borough of Dunchevit alias  
Lanceſton.  
Bevell Greynvill Knight.  
Ambroſe Manaton Eſq;.  
Borough of Leſkard.  
John Harris Eſq;.  
Sege Kekewich Eſq;.  
Borough of Loſtwithiel.  
Richard Arundel Eſq;.  
Nicholas Kendall Eſq;.  
Borough of Truro.  
Francis Rows Eſq;.  
John Roll Gent.  
Borough of Bodwyn.  
Richard Winn Knight & Baronet.  
Richard Prideaux Eſq;.  
Borough of Helſton.  
Sidney Godolphin Eſq;.  
William Godolphin Eſq;.  
Borough of Saltashe.  
George Buller Eſq;.  
Francis Buller Eſq;.  
Borough of Camelford.  
Pierce Edgcombe Eſq;.  
Edward Reade Eſq;.  
Borough of Port-pigham alias  
Weſt'owe.  
Anthony Mildmay, Eſq;.  
George Potter Eſq;.

Borough

16 Caroli.

Borough of Grampound. q

Warwick Mohun Esq;.

John Trevanion Esq;.

William Coryton Esq;.

Borough of Eastlaw.

William Scaven Esq;.

William Code Esq;.

Borough of Penrin.

Joseph Hall Esq;.

Richard Vivion Knight.

Borough of Tregony. q

Nicholas Burlase Esq;.

John Arundell Esq;.

John Seyntaubyn Esq;.

Borough of Bosling.

Anthony Nichols Esq;.

Edward Herle Esq;.

Borough of St. Ives.

William Dell Esq;.

Henry Martin Knight.

Borough of Fowey.

Edwin Rich Esq;.

Jonathan Raibleigh Esq;.

Borough of St. Jermins.

William Scaven Esq;.

John Elliot Esq;.

Borough of Michell. q

Peter Courtney Esq;.

William Chadwell Esq;.

Francis Bassett Esq;.

Samuel Cosworth Esq;.

Borough of Newport. q

Nicholas Trefusis Esq;.

John Maynard Esq;.

Paul Specott Esq;.

Borough of St. Mawes.

Jacob Sheffeld Esq;.

George Parry Doctor at Law.

Borough of Killington.

Samuel Roll Knight.

Thomas Gardiner Esq;.

Cumberland.

George Dalston Knight.

Patrick Curwyn Baronet.

City of Carlile.

William Dalston Esq;.

Richard Barwis Esq;.

Cambridge-shire.

Dudley North Knight and Bar.

John Cutts Knight.

Cambridge University.

Thomas Eden Doctor at Law.

Henry Lucas Esq;.

Town of Cambridge.

Thomas Meantes Esq;.

q Oliver Cromwell Esq;.

Cheshire.

William Brereton Baronet.

Thomas Ashton Baronet.

City of Chester.

Thomas Smith Knight &amp; Alderm.

Robert Brerewood Esq;.

Derby-shire.

John Mannors Knight.

John Curson Baronet.

Town of Derby.

William Allostree Esq;.&amp; Record.

q Nathanael Hallows Alderman.

Devon-shire.

Thomas Wise Esq;.

q Edward Seymour Esq;.

City of Exeter.

Robert Walker Esq; Mayor.

Jacob Tucker Esq; Alderman.

Borough of Totnes.

Oliver St. John Esq;.

John Maynard Esq;.

Borough of Plimouth.

Robert Trelawny Esq;.

John Waddon Esq;.

Borough of Barneftaple.

George Peard Esq;.

Thomas Mathew Merchant.

Borough of Plimpton. q

Richard Strode Knight.

Nicholas Slanning Knight, Record.

Thomas Hele Baronet.

Borough of Tavistocke.

William Lord Russel.

John Pym Esq;.

Borough



Borough of Dartmouth  
Clifton Hardnes.

John Upton Esq.;  
Andrew Voysey Merchant.

Borough of Bereafston.  
William Strode, Esq.;  
John Harris Esq.;

Borough of Tiverton.  
Peter Ball Esq; Queens Attorney.  
Peter St. Hill Esq.;

Dorset-shire.

Richard Rogers Esq.;  
George Lord Digby.  
Town of Pool.

John Pym Esq.;  
william Constantine Esq.;  
Borough of Dorchester.  
Denzel Hollis Esq.;  
Dennis Bond Gent.

Borough of Lyme-Regis. q  
walter Earle Knight.  
Edward Prideaux Esq.;  
Richard Rose Gent.

Borough of Waymouth.  
John Strangeways Knight.  
Thomas Gier Gent.

Melcomb-Regis.  
Giles Strangeways Esq.;  
Richard King Esq.;

Borough of Bridport.  
Thomas Trenchard Esq.;  
John Miller Knight.

Borough of Shaftsbury.  
william Whitaker Esq; Recorder.  
Samuel Turner Esquire.

Borough of Wareham.  
John Trenchard Esq.;  
Gilbert Jones Doctor of the Civil  
Law.

Borough of Corfe-Castle.  
Henry Jermin Esq.;  
Giles Green Esq.;

Essex.

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Harbottle Grimston Knight and  
Baronet.

Borough of Colchester.  
william Masbam Knight & Bar.  
Harbottle Grimston Esq.;

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Henry Mildmay Knight.  
John Porter Esq.; Recorder.  
Borough of Harwich.  
Thomas Cheeke Knight.  
John Jacobs Knight.

Gloucester-shire.

Robert Tracy Knight.  
Robert Cooke Knight.  
City of Gloucester.

william Singleton Esq.;  
Henry Brett Esq.;  
Borough of Cirencester.  
Henry Poole Esq.;  
John George Esq.;

Borough of Tewksbury.  
Anthony Ashley Comper Baronet.  
Edward Alford Knight.

Huntington-shire.

Thomas Cotton Baronet.  
Capell Beadle Baronet.  
Town of Huntington.  
Robert Bernard Esq.; Recorder.  
william Mountague Esq.;

Hartford-shire.

william Litton Knight.  
Arthur Capel Esq.;  
Town of St. Albans.  
John Jennings Knight of the Bath.  
Thomas Conningesby Esq.;  
Town of Hartford.  
Charles Viscount Cranborne.  
Tho. Fanshaw Knight of the Bath.

Hereford-shire.

Robert Harley Knight of the Bath.  
walter Pye Knight.  
City of Hereford.  
Richard Weaver Gent.  
Richard Seaborn Esq.;

Borough of Lempster.  
william Smaleman Esq.;  
walter Kirle Esq.;

Borough of Webley.  
william Tomkins Esq.;  
Thomas Tomkins Esq.;

Kent.

An. 1640.

## Kent.

*Roger Twisden Knight & Baronet.*  
*Norton Knatchbull Esq;.*  
*City of Canterbury.*  
*Ed. Master Esq;.*  
*John Nutt Esq;.*  
*City of Rochester.*  
*Thomas Walsingham Knight.*  
*John Clerk Esq;.*  
*Borough of Maidstone.*  
*George Fane Knight.*  
*Francis Barnham Knight.*  
*Borough of Quinborough.*  
*Edward Hales Knight & Baronet.*  
*John Wolstenholme Knight.*

## Lincolnshire.

*John Wraye Knight & Baronet.*  
*Edw. Hussy Knight & Baronet.*  
*City of Lincoln.*  
*John Farmery Doctor of the Ci-*  
*vil Law.*  
*Thomas Grantham Esq;.*  
*Town of Boston.*  
*Anthony Irby Knight.*  
*William Ellis Esq;.*  
*Town of Grimesby.*  
*Gervase Holles Esq;.*  
*Christopher Wraye Knight.*  
*Town of Stamford.*  
*Thomas Hatton Knight.*  
*Thomas Hatcher Esq;.*  
*Borough of Grantham.*  
*Edward Bass Knight.*  
*Henry Pelham Esq;.*

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*Arthur Haselrigge Baronet.*  
*Henry Lord Gray of Ruthen.*  
*Town of Leicester.*  
*Simon Every Esq;.*  
*Thomas Cooke Esq;.*

## Lancashire.

*Gilbert Houghton Knight and Ba-*  
*ronet.*  
*William Farrington Esq;.*

*Borough of Preston in Andernes.*  
*Richard Shuttleworth Esq;.*  
*Thomas Standishe Esq;.*

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*John Harrison Esq;.*  
*Borough of Leverpoole.*  
*Jacob Lord Cranseilde.*  
*John Holcroft Esq;.*

## Borough of Wigan.

*Orlando Bridgeman Esq;.*  
*Alexander Rigbie Esq;.*  
*Borough of Clithero.*  
*Richard Shuttleworth Gent.*  
*Ralph Ashton Esq;.*

## Borough of Newton.

*Richard Wynne Knight & Baron.*  
*William Sherman Esq;.*

## Middlesex.

*Gilbert Gerrard Baronet.*  
*John Franklyn Knight.*  
*City of Westminster.*  
*John Glyn Esq;.*  
*William Bell Gent.*  
*City of London.*  
*Thomas Soame Esq;.* Alderman.  
*Isaac Pennynnton Esq;.* Alderman.  
*Mathew Cradocke Merchant.*  
*Samuel Vassel Merchant.*

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*Walter Rumsey Esq;.*  
*Town of Monmouth.*  
*Charles Jones Esq;.* Recorder.  
*William Watkins Esq;.*

## Northampton-shire.

*John Creme Esq;.*  
*Gilbert Pickering Knight and Ba-*  
*ronet.*  
*City of Peterburgh.*  
*David Cecil Esq;.*  
*William Fitz-Williams Esq;.*  
*Town of Northampton.*  
*Zouche Tate Esq;.*  
*Richard Kneightley Junior, Esq;.*

Borough



An. 1640.

Borough of Brackley.

Thomas Wenman Knight.

Martin Lister Knight.

Borough of Higham Ferrers.

Christopher Hatton Knight of the Bath.

Nottingham-shire.

Thomas Hutchinson Knight.

Robert Sutton Esq;.

Town of Nottingham.

Charles Cavendish Knight.

Gilbert Boone Sergeant at Law.

Borough of East-Retford.

Jervas Clifton Knight and Baron.

Francis Pierrepont Esq;.

Norfolk.

John Holland Baronet.

Edward Moundeford Knight.

City of Norwich.

Thomas Atkins Citizen of Norwich.

John Tooley Citizen and Alderm.

Town of Lynne-Regis.

William Doughtie Esq; Alderm.

Thomas Gurlyn Esq; Alderman.

Town of Great Yarmouth.

Edward Owner Esq; Alderman.

Miles Corbett Esq; Recorder.

Town of Thetford.

Thomas Woodhouse Knight & Bar.

Frambugham Gawdy Esq;.

Borough of Castle-Rising.

Thomas Talbot Esq;.

Nicholas Harman Esq;.

Northumberland.

John Fenwick Knight & Baronett.

William Widderington Knight.

Town of Newcastle upon Tyne.

Peter Riddell Knight.

Thomas Liddell Esq;.

Borough of Morpeth.

Philip Mamvareing Knight.

Thomas Witherings Esq;.

Town of Berwick.

Thomas Widdrington Knight.

Hugh Potter Esq;.

Oxford-shire.

Jacob Fyennis Esq;.

Francis Wenman Knight.

University of Oxford.

Francis Windebanke Knight, one of the Principal Secretaries of State.

John Danvers Knight.

City of Oxford.

Charles Viscount Andover.

Thomas Cooper Gent. Alderman.

Borough of Woodstocke.

William Lenthall Esq;.

William Fleetwoode Knight.

Borough of Banbury.

Nathaniel Fyennis Esq;.

Rutland.

Baptista Noell Esq;.

Guido Palmes Esq;.

Surrey.

Richard Onslow Knight.

Ambrose Browne Baronett.

Borough of Southwarke.

Robert Holborne Esq;.

Richard Tuffnell Gent.

Borough of Blechenley.

Edward Bisbe Esq;.

Edmund Hoskins Esq;.

Francis Carew Knight of the Bath.

Borough of Ryegate.

Thomas Thurland Esq;.

Thomas Bludder Knight.

John Goodwyn Esq;.

Borough of Guilford.

Robert Parkhurst Knight.

George Abbot Esq;.

Borough of Gatton.

Samuel Owfield Esq;.

Edward Sanders Esq;.

Borough of Hallemere.

John Jaques Baronet.

William Elliot Knight.

Stafford-shire.

Edward Littleton Baronet.

William Bowyer Knight.

D d d d d d

Borough

An. 1640.

*Borough of Litchfield.*  
*walter Devoreux Knight.*  
*Richard Dyot Knight.*  
*Town of Stafford.*  
*Ralph Sneyde Gent.*  
*Richard Weston Esq;.*  
*Borough of Newcastle upon Lyne.*  
*John Merrick Knight.*  
*Richard Loyd Esq;.*  
*Borough of Tamworth.*  
*George Abbot Esq;.*  
*Simon Archer Knight.*

## Shrop-shire.

*William Pierpoint Esq;.*  
*Vincent Corbet Esq;.*  
*Borough of Salop.*  
*Francis Newport Esq;.*  
*Thomas Owen Esq;.*  
*Bruges alias Bridgenorth.*  
*Thomas Whitmore Esq;.*  
*Edward Acton Esq;.*  
*Borough of Ludlow.*  
*Ralph Goodwyn Esq;.*  
*Charles Baldwin Esq;.*  
*Great Wenlocke.*  
*Thomas Littleton Esq;.*  
*Richard Cresset Esq;.*  
*Bishops Castle.*  
*Robert Howard Knight & Bar.*  
*Richard Moore Esq;.*

## Southampton.

*Henry Wallop Knight.*  
*Richard Whitehead Esq;.*  
*Borough of Winton.*  
*John Lisle Esq;.*  
*William Ogle Knight.*  
*Town of Southampton.*  
*John Mill Baronet.*  
*Thomas Levingston Esq;.*  
*Borough of Portsmouth.*  
*William Hamilton Esq; of Lanrick.*  
*Henry Percie Esq;.*  
*Borough of Yarmouth.*  
*Philip Lord Lisle.*  
*William Oglander Esq;.*  
*John Bulkley Esq;.*

*Borough of Peterfield.*  
*William Lewis Baronet.*  
*William Udal Knight.*  
*Newport alias Medena.*  
*Lucius Viscount Falkland.*  
*Henry Worsley Baronet.*  
*Borough of Stockbridge.*  
*William Jephson Esq;.*  
*William Heveingham Esq;.*  
*Borough of New-towne.*  
*Nicholas Weston Esq;.*  
*John Meux Esq;.*

*Christ-Church.*  
*Arnold Herbert Knight.*  
*Henry Tulse Esq;.*  
*Borough of Whitchurch.*  
*Thomas Jervoyse Knight.*  
*Richard Jervoyse Esq;.*  
*Borough of Lymmington.*  
*John Dodington Esq;.*  
*John Kempe Esq;.*  
*Borough of Andover.*  
*Richard Wyn Baronet.*  
*Robert Wallop Esq;.*

## Suffolke.

*Nathanael Barnardiston Knight.*  
*Philip Parker Knight.*  
*Borough of Ipswich.*  
*William Gage Esq;.*  
*John Gurdon Esq;.*  
*Borough of Dunwich.*  
*Henry Coke Esq;.*  
*Anthony Bedingfield Esq;.*  
*Borough of Orford.*  
*Charles le Grosse Knight.*  
*Edward Duke Esq;.*  
*Borough of Aldburgh.*  
*William Raynborow Esq;.*  
*Squire Bence Merchant.*  
*Borough of Sudbury.*  
*Robert Crane Knight & Baronet.*  
*Richard Pepys Esq;.*  
*Borough of Eye.*  
*Frederick Cornwallis Knight and Baronet.*  
*Roger North Knight.*  
*Borough of St. Edmondsbury.*  
*Thomas Jermin Knight.*  
*John Godbold Recorder.*

Somerfet



Somerset-shire.

Ralph Hopton Knight of the Bath.  
Thomas Smith Esq;.

City of Bristol.

John Glanvil Serjeant at Law.  
Humphrey Hook Esq; Alderman.

City of Bath.

Charles Berkley Knight.  
Alexander Popham Esq;.

City of Wells.

Edward Rodney Knight.  
John Baber Esq;.

Borough of Taunton.

William Portman Baronet.  
Roger Hill Gent.

Borough of Bridgewater.

Edmund Windham Esq;.  
Robert Blake Gent.

Borough of Mynhead.

Alexander Popham Esq;.  
Francis Windham Gent.  
Arthur Ducke Doctor of the Ci-  
vil Law.

Borough of Ilchester.

Henry Berkley Knight.  
Edward Philips Esq;.

Milborne Port.

Edward Kirkton Esq;.  
Thomas Earle Esq;.

Suffex.

Thomas Pelham Baronet.  
Anthony Stapley Esq;.

City of Chichester.

Christopher Lemknor Esq;.  
Edward Douse Esq;.

Borough of Horsham.

Thomas Middleton Esq;.  
Hall Ravenscroft Esq;.

Borough of Midhurst.

Thomas May Esq;.  
Robert Long Esq;.

Borough of Lewes.

Herbert Morley Esq;.  
Jacob Rivers Esq;.

Borough of Shoreham.

William Marlor Gent.  
John Alford Esq;.

Borough of Bramber.

John Suckling Knight.  
Thomas Bowyer Baronet.

Borough of Steyning.

John Leeds Knight.  
Thomas Farnesfold Knight.

Borough of Eastgrinstead.

Henry Compton Knight of the  
Bath.

Robert Goodwyn Esq;.

Borough of Arundel.

Henry Garton Esq;.  
Henry Goring Esq;.

Westmerland.

Philip Musgrave Baronet.

Henry Bellingham Knight and Ba-  
ronet.

Borough of Appleby.

Richard Viscount Dungarven.  
Richard Lowther Esq;.

Wilt-shire.

Philip Lord Herbert.

Francis Seymour Knight.

Borough of Salisbury.

Robert Hide Esq; & Recorder.  
Michael Olsworth Esq;.

Borough of Wilton.

Henry Vane Knight.  
Benjamin Rudyerd Knight.

Borough of Downton.

Edward Griffin Knight.  
William Eyre Esq;.

Borough of Hyndon.

Miles Fleetwood Knight.  
George Gerrard Esq;.

Borough of Heytsbury.

John Berkley Knight.  
Thomas Moore Esq;.

Borough of Westbury.

Thomas Penestone Knight.  
John Ash Esq;.

Borough of Calne.

William Maynard Esq;.  
Walter Norborne Esq;.

Borough of Vize.

Edward Baynton Esq;.  
Henry Danvers Esq;.

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*Borough of Chippenham.*  
*Edward Hungerford Knight and*  
*Baronet.*

*Edward Baynton Knight.*

*Borough of Malmsbury.*

*Nevill Poole Knight.*

*Anthony Hungerford Esq;.*

*Borough of Kricklade.*

*Robert Jenner Esq;.*

*Thomas Hodges Esq;.*

*Borough of Bedwyn.*

*Richard Harding Esq;.*

*Charles Seymour Esq;.*

*Borough of Ludgershall.*

*William Albburnham Esq;.*

*John Evelin Knight.*

*Borough of Old Sarum.*

*Edward Herbert Esq;.* Solicitor.

*William Howard Knight.*

*Wotton Bassett.*

*Thomas Windebanke Esq;.*

*Edward Hide of Pirton Esq;.*

*Borough of Marleborough.*

*William Carnaby Knight.*

*Francis Baskerville Esq;.*

*Worcester-shire.*

*Thomas Littleton Knight and Ba-*  
*ronet.*

*John Packington Baronet.*

*City of Worcester.*

*John Concher Esq;.*

*John Nash Esq;.*

*Borough of Droitwich.*

*John Wilde Sergeant at Law.*

*Samuel Sandys Esq;.*

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*William Sandys Esq;.*

*William Morton Esq;.*

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*William Jesson Alderman.*

*Simon Norton Alderman.*

*Town of Warwick.*

*William Purefey Esq;.*

*Godfery Bosseville Esq;.*

*Barons of Cinque-Ports.*

*Borough of Hastings.*

**J**ohn Baker Baronet.

*Robert Reade Esq;.*

*Borough of Winchelsey.*

*Nicholas Crispe Knight.*

*John Finch Esq;.*

*Borough of Rye.*

*John Culpeper Knight.*

*John White Esq;.*

*Borough of Rummey.*

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*Henry Heyman Esq;.*

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*Borough of Dover.*

*Edward Boys Knight.*

*Peter Heyman Knight.*

*Borough of Sandwich.*

*John Manhood Knight.*

*Nathanael Finch Serjeant at Law.*

## WVALES.

*Anglesey.*

**J**ohn Bodvill Esq;.

*Borough of Bewmaris.*

*Charles Jones Esq;.*

*Brecknock-shire.*

*William Morgan Esq;.*

*Town of Brecknocke.*

*Herbert Price Esq;.*

*Cardigan-shire.*

*Jacob Lewis Esq;.*

*Town of Cardigan.*

*John Vaughan Esq;.*

*Cairmarthen.*



Cairmarthen-shire.

Henry Vaughan Esq.;  
Town of Cairmarthen.  
Francis Loyd Esq.;

Cairnarvon-shire.

Thomas Glynn Esq.;  
Town of Cairnarvon.  
John Glynn Esq.;

Denbigh-shire.

Thomas Salisbury Baronet.  
Town of Denbigh.  
John Salisbury Junior Esq.;

Flint-shire.

John Mostyn Esq.;  
Town of Flint.  
Thomas Hammer Baronet.

Glamorgan-shire.

Edward Stradling Knight & Baronet.  
Town of Cardiffe.  
William Herbert Esq.;

Merioneth-shire.

Henry Wynn Esq.;

Pembroke-shire.

John Wogan the elder Esq.;  
Town of Hartfordweston.  
Hugh Owen Esq.;  
Town of Pembroke.  
John Stepney Baronet.

Montgomery-shire.

Richard Herbert Esq.;

Town of Montgomery.  
Edward Loyd Knight.

Radnor-shire.

Charles Price Esq.;  
Town of Radnor.  
Richard Jones Esq.;

York-shire.

Henry Bellasis Esq.;  
William Savile Baronet.  
City of York.  
Edward Osborne Baronet.  
Roger Jaques Knight.  
Town of Kingston upon Hull.  
John Lister Knight.  
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Borough of Knasborough.  
Henry Slingsby Baronet.  
Henry Benson Esq.;  
Borough of Scarborough.  
Hugh Cholmley Knight.  
John Hotham Esq.;  
Borough of Rippon.  
William Mallory Esq.;  
Paul Neile Knight.  
Borough of Richmond.  
William Pennington Baronet.  
Major Norton Esq.;  
Borough of Heydon.  
Philip Stapleton Knight.  
John Alured Esq.;  
Borough of Borough-bridge.  
Ferdinand Fairefax Knight.  
Francis Nevill Esq.;  
Borough of Thurske.  
John Bellasis Esq.;  
William Franckland Esq.;  
Borough of Aldburgh.  
Richard Aldburgh Esq.;  
Brian Palmes Esq.;  
Borough of Beverley.  
John Hotham Knight & Baron.  
Michael Warton Esq.;  
Borough of Pomfret.  
John Ramsden Knight.  
George Wentworth Knight.

An. 1640.

An. 1640.

MUNDAY the 13<sup>th</sup> of APRIL 1640.

the Parliament Opened,

The King spake,

My Lords and Gentlemen,

**T**Here was never a King that had a more great and weighty cause to call his People together than My Self: I will not trouble you with the Particulars; I have informed my Lord Keeper, and command him to speak and desire your Attention.

Sir John Finch Lord Keeper spake thus,

*My Lords, and you the Knights, Citizens and  
Burgesses of the House of Commons,*

**Y**OU are here this day assembled by his Majesties gracious Writ and Royal Command to hold a Parliament, the general, antient and greatest Council of this Renowned Kingdom. By you, as by a select choice and abstract the whole kingdom is presented to his Majesties Royal view, and made happy in the beholding of his excellent and Sacred Person. All of you not only the Prelates, Nobles and Grandees, but in your persons that are of the House of Commons every one, even the meanest of his Majesties subjects are graciously allowed to participate and share in the honour of those Counsels, that concern the great and weighty affairs of the King and Kingdom. You come all armed with the Votes and suffrages of the whole Nation: and I assure my self, your hearts are filled with that zealous and humble affection to his Majesties Person and Government, that so just, so pious, and so gracious a King hath reason to expect from all his subjects. I doubt not, but you rejoyce at this dayes meeting, and methinks you should do so too; and good reason you have to do so, and with all humbleness of heart to acknowledge the great goodness of his Majesty, who sequestering the memory of all former discouragements in preceding assemblies, is now of a Fatherly affection to his people, and a confidence that they will not be failing in their duty to him, who is pleased graciously to invite you and all his loving subjects to a sacred Unity of hearts and affections, in the services of him and of the Common-wealth, and in the execution of those Counsels that tend only to the honour of his Majesty, and to the good preservation of you all. His Majesties Kingly resolutions are seated in the Ark of his Sacred Breast, and it were a presumption of too high a nature, for any *Uzzah* uncalled to touch it: yet his Majesty



'Majesty is now pleased to lay by the shining beams of Majesty;  
'as *Phæbus* did to *Phæton*, that the distance between Sovereignty  
'and subjection should not bar you of that filial freedom of access  
'to his Person and Counsels; only let us beware how with the  
'Son of *Clymene*, we aim not at the guiding of the Chariot; as if  
'that were the only testimony of Fatherly affection: and let us ever  
'remember, that though the King sometimes layes by the Beams  
'and Rayes of Majesty, he never layes by Majesty it self.

'In former Parliaments you have been advised with, for the pre-  
'venting and diverting of those dangers, which by foreign and more  
'remote Counsels might have tended to the dishonour and ruine of  
'this Nation; therein his Majesties great Wisdom and Providence  
'hath for many years eased you of that trouble, his Majesty having  
'with great judgement and prudence, not only seen and prevented  
'our danger, but kept up the Honour and Splendor of the *English*  
'Crown, of which at this day we find the happy and comfortable  
'experience, Almighty God having vouchsafed such success to his  
'Majesties Counsels, that *our Fleece is dry*, when it raineth blood in  
'all the Neighbour States. But what availeth this the Kingdom?  
'*Si foras hostem non inveniat, si modo domi inveniet.* You are now  
'summoned to Counsels and resolutions that more nearly concern  
'you, to prevent a danger and a dishonour, that knocks at our gates,  
'and that moves from such, from whom we had little reason to  
'suspect it. It's well known upon what happy and solid Counsels,  
'one of our Wisest Kings made a match with *Scotland* for his eldest  
'daughter. We cannot forget (I'm sure we should not) the blef-  
'sed Success that waited upon those Counsels, when the Crown of  
'*England* descended upon King *James* of ever blessed and famous  
'memory, who with the fulness of Joy to all true *English* hearts,  
'made his Entry not by Bloodshed. The Wall of Separation was  
'thereby taken away; and that glorious King to make his word  
'good, *faciam eos in Gentem unam*, made all *England* rejoyce, and  
'*Scotland* I'm sure had no reason to be sorry for it: They partici-  
'pated of *English* Honours, the Wealth and Revenue of this Nation  
'they shared in, and no good thing was withholden from them,  
'such was the largeness of heart in that most excellent King, and  
'such was the comfort we took in this Fraternity, or rather Uni-  
'ty: When both of us had but one Brazen Wall of Fortification to  
'look unto, the Sea, and all things so equally and evenly carried  
'between us, that *Tros Tyriusque nullo discrimine habentur*. His Ma-  
'jesty our most gracious Sovereign became Heir, as well to his Fa-  
'thers Vertues as to his Kingdoms, *Pacatumque Regis, &c.* and in his  
'gracious and tender affection to that Nation, hath given as many  
'indulgent testimonies of Love and Benignity, as they could ex-  
'pect. Thus became we both like a Land flowing with milk and  
'honey; peace and plenty dwelt in our Streets, and we have had all  
'our blessings crowned with the sweet hopes of Perpetuity. God  
'sound out for my Lord the King, a Companion meet for him, his  
'Royal Consort our most gracious *Queen*, who as she is not to be  
'paralleled for her Person and Vertue, so hath she made his Majesty  
'and the whole Kingdom most happy and blessed, in the sweetest  
'pledges of their love and our hopes which ever stood like Olive-  
'branches about the Throne or Table: But which I sorrow for,

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'*Civiles furores patria nimia infelicitas*, and when his Majesty had  
'most reason to expect a grateful return of Loyalty and Obedience  
'from all the *Scottish* Nation, some men of *Behal*, some *Zeba* hath  
'blown the Trumpet there, and by their Insolencies and rebellious  
'Actions draw many after them, to the utter desertion of his Ma-  
'jesties Government; his Majesties and his Kingly Fathers love and  
'bounty to that Nation quite forgotten, his goodness and piety un-  
'remembred.

'They have led a multitude after them into a course of disloyalty  
'and rebellious Treason, such as former times have not left in men-  
'tion, nor this present age can any where equal; they have taken  
'up Armes against the Lords Anointed, their rightful Prince and  
'undoubted Sovereign, and following the wicked Counsels of some  
'*Achitophel*, they have seized on the Trophies of Honour, and in-  
'vested themselves with Regal power and authority: such and so  
'many Acts of disloyalty and disobedience, as (let their pretences  
'be what they will be,) no true English or Christian heart, but  
'must acknowledge them to be the effects of foul and horrid Trea-  
'son.

'The last Summer his Majesty at his own charge, and at the vast  
'expence of many of his faithful and loving Subjects of *England*,  
'went with an Army, and then they took upon them the boldness to  
'outface and brave his Royal Army, with another of their own  
'raising; Yet for all this, his Majesties goodness was not lessened  
'by that, nor could his gracious Nature forget what he was to them,  
'nor what they were to him; but considering with himself they  
'were such (*quos nec vincere, nec vinci gloriosum fuerat*) out of his  
'Piety and Clemency chose rather to pass by their former miscarri-  
'ages, upon their humble protestations of future Loyalty and Obedi-  
'ence, than by just vengeance to punish their Rebellions.

'But his Majesty (who is ever awake for the good and safety of  
'all his Subjects) hath since too plainly discovered, that they did but  
'prevaricate with him to divert the storm which hung over their  
'heads, and by gaining time to purchase themselves more advantage,  
'for pursuing their rebellious purposes.

'For since his Majesty came from *Berwick*, it is come to his certain  
'knowledge, that instead of performing that Loyalty and Obedience,  
'which by the Laws of God, of Nature, and Nations they owe unto  
'him, they have addressed themselves to Forraign States, and treated  
'with them to deliver themselves up to their protection and power  
'(as by Gods great Providence and Goodness, his Gracious Majesty is  
'able to shew under the hands of the prime Ring-Leaders of that  
'Faction) than which nothing could be of more dangerous conse-  
'quence to this and his Majesties other Kingdoms. Whosoever they  
'be that do, or shall wish *England* ill, they may know it to be of too  
'tough a Complexion and Courage, to be assailed in the face, or to  
'be set upon at the Fore door: and therefore it is not unlikely, but  
'they may (as in former times) find out a Postern-gate.

'There were heretofore two of them, *Scotland* and *Ireland*, and  
'both of them had their several Defences.

'*Ireland* through his Majesties just and prudent Government, is  
'not only reduced from the distemper of former times, but settled in  
'such a condition of peace, and during his Majesties happy Reign,  
'so



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‘so altered and civilized, that instead of being a charge to him (as  
‘it was to his Predecessors) hath yielded to him some Revenue, and  
‘his Subjects there do daily give very acceptable testimonies of their  
‘Loyal and Dutiful affection, both to his Person and Government.  
‘And now lately at the Parliament assembled, they have not only with  
‘full and free consent, made his Majesty a cheerful Aide towards his  
‘present preparations, to reduce his disaffected Subjects in *Scotland* to  
‘their due obedience, but they have also professed and promised, that  
‘they will be ready with their Persons and Estates, to the uttermost of  
‘their Ability, for his Majesties future Supply, as his great Occasions  
‘by the continuance of his Forces against that distemper, shall re-  
‘quire; so that the hopes of hurting *England* that way, are quite ex-  
‘tinct.

‘*Scotland* then only remains, whither (as to a weak and distem-  
‘pered part of the body) all the Rheumes and Fluxes of factious  
‘and seditious humours make way.

‘His Majesty hath taken all these, and much more into his Prince-  
‘ly Consideration, and to avoid a manifest and apparent mischief,  
‘threatned to this and his other Kingdoms, hath resolved by the  
‘means of a powerful Army, to reduce them to the just and modest  
‘Conditions of Obedience.

‘It is a course his Majesty takes no delight in, but is forced unto it;  
‘for such is his Majesties grace and Goodness to all his Subjects, and  
‘such it is and will be to them (how undutiful and rebellious soever  
‘they now are) that if they put themselves into a way of humility  
‘becoming them, his Majesties Piety and Clemency will soon ap-  
‘pear to all the World: But his Majesty will not endure to have his  
‘honour weighed at the common Beam: nor admit any to step be-  
‘tween him and his vertue: and therefore as he will upon no terms,  
‘admit the mediation of any person whatsoever; so he shall judge it  
‘as high presumption in any person to offer it, and as that which he  
‘must account most dangerous to his Honour, to have any conceit,  
‘that the solicitation of others can by any possibility better incline  
‘him to his people than he is, and ever will be, out of his own grace  
‘and goodness.

‘The Charge of such an Army hath been thoroughly advised, and  
‘must needs amount to a very great sum, such as cannot be imagi-  
‘gined to be found in his Majesties Coffers, which how empty soe-  
‘ver, have neither yet been exhausted by unnecessary triumphs,  
‘or sumptuous buildings, or other magnificence whatsoever, but  
‘most of his own Revenue, and whatsoever hath come from his  
‘Subjects, hath been by him employed, for the common good and  
‘preservation of the Kingdom. And like vapours arising out of  
‘the Earth and gathered into a Cloud, are fallen in sweet and refresh-  
‘ing showres upon the same ground. Wherefore his Majesty hath  
‘now at this time, called this Parliament, the second means under  
‘Gods blessing to avert these publick Calamities threatned to all his  
‘Kingdoms, by the mutinous behaviour of them.

‘And as his Majesties Predecessors have accustomed to do with  
‘your Fore-fathers, so his Majesty now offers you the honour of  
‘working together with himself, for the good of him and his, and  
‘for the common preservation of your selves and your posterity.

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‘ Counfels and Deliberations that tend to benefit or profit, may endure disputes and debates, because they seem only accompanied with perswasions ; But deliberations that tend to preservation, are waited upon by necessity, and cannot endure either debate or delay ; of such nature are the bleeding evils, that are now to be provided against.

‘ This Summer must not be lost, nor any minute of Time foretold, to reduce them of *Scotland*, lest by protraction here they gain time and advantage, to frame their parties with Foreign States.

‘ His Majesty doth therefore desire, upon these pressing and urgent occasions, that you will for a while lay aside all other debates, and that you would pass an Act for such, and so many Subsidies as you in your hearty affection to him, and to your common good, shall think fit and convenient for so great an Action, and withal that you would hasten the payment of it, as soon as may be : And his Majesty assures you all, that he would not have proposed any thing, out of the ordinary way, but that such is the straitness of Time, that unless the Subsidies be forthwith past, it is not possible for him to put in order such things, as must be prepared before so great an Army can be brought into the Field.

‘ And indeed, had not his Majesty upon the credit of his servants, and security out of his own estate, taken up and issued between *three and four hundred thousand Pounds*, it had not been possible for his Majesty, to have provided those things to begin with, which were necessary for so great an Enterprize, and without which we could not have secured *Bermick* and *Carlisle*, or avoided those affronts, which the Insolency of that Faction might have put upon us, by injuring the persons and fortunes of his Loyal Subjects, in the Northern parts.

‘ To avoid all question and dispute that may arise, touching his Majesties taking of *Tonnage* and *Poundage*, his Majesty hath commanded me to declare unto you, that he hath taken it only *de facto*, according to the example of former Kings, from the death of their past Predecessors, until the Parliament had passed an Act for it themselves. That in like manner, his Majesty desires not to claim it, but by grant of Parliament ; for this purpose his Majesty hath caused a Bill to be prepared in the same form as it passed to his Royal Father of blessed memory, adding only words to give it him, from the first of his Majesties Reign.

‘ This and the Bill of Subsidies, his Majesty expects ( for the pressing reasons before delivered unto you ) may be dispatched with all speed, which his Majesty commanded me to tell you he shall graciously accept, as the welcome pledges of your loving, happy, and dutiful affection to him, his person, and Government.

‘ And his Majesty is most graciously pleased, to give you his Royal word, that afterwards he will give you time for considering of such Petitions, as you shall conceive to be good for the Common Wealth, even now before you part, according as the season of the year, and the great affairs in hand will permit ; and what is now omitted, his Majesty will give you time to perfect towards Winter, when your own leisure and conveniency may better attend it, he knowing well, that these Subsidies can be of little use, without that more ample supply, which his Majesty expects upon the happy conclusion



‘ clusion of this Session, and therein his Majesty is graciously pleased  
‘ (according to the ancient way of Parliaments) to stay till your just  
‘ grievances be heard and redressed.

16 Caroli.

‘ And his Majesty assures you, that he will go along with you for  
‘ your advantage, through all the gracious expressions of a just, a  
‘ pious, and gracious King, to the end there may be such a happy con-  
‘ clusion of this Parliament, that it may be a cause of many more  
‘ meetings with you.

I have now delivered what I have in Command from his Majesty.

## The KING.

My Lords,

**Y**OU shall see he hath spoken nothing hyperbolically, or nothing but  
what I shall make good one way or other.

The King's  
Speech.

And because he did mention a Letter by my Subjects in Scotland, who  
did seek to draw in Foreign power for aid, here is the Original Letter,  
which I shall command him to read unto you.

And because it may touch a Neighbour of mine, whom I will say nothing  
of, but that which is just (God forbid I should); for my part, I think it  
was never accepted of by him; indeed it was a Letter to the French King,  
but I know not that ever he had it; for by chance I intercepted it, as it  
was going unto him; and therefore I hope you will understand me right  
in that.

His Majesty delivering the Letter to the Lord Keeper, his Lordship  
began to read it, and observe as followeth.

## Lord Keeper.

The Superscription of the Letter is this.

## AU ROY.

‘ **F**OR the nature of which Superscription, it is well known to  
‘ all that know the style of France, that it is never written by  
‘ any French man to any, but to their own King; and therefore be-  
‘ ing directed (*AU ROY*) it is to their own King, for so in effect  
‘ they do by that Superscription acknowledge.

A Letter  
from the  
Scots to the  
French King.

Then his Lordship read the Letter in French, being the origi-  
nal Language wherein it was Writ.

The Letter being read in French, his Lordship added.

‘ His Majesty Commanded me to read it in English to you, as it is  
‘ Translated, for that is the Original under their own hands.

Eeeeeee 2

SIR,

An. 1640.

S I R,

**Y**our Majesty being the refuge and sanctuary of afflicted Princes, and States, We have found it necessary to send this Gentleman Mr. Colvil, by him to represent unto your Majesty, the Candor and Ingenuity, as well of our Actions and Proceedings, as of our Intentions, which we desire should be Engraven and Written to the whole World, with the Beams of the Sun as well as to your Majesty. We most humbly beseech you therefore, to give Faith and Credit to him, and all he shall say on our part concerning us, and our affairs: being most assured of an assistance, equal to your accustomed Clemency heretofore, and so often shewed to this Nation, which will not yield to any other whatsoever, the Glory to be eternally

Your Majesties most humble, obedient  
and affectionate servants,

Roths.  
Montros.  
Lesley.  
Marre.  
Montgomery.  
Lowdon.  
Forester.

Then the KING added.

**O**F these Gentlemen, that have set their hands to this Letter, here is one, and I believe you would think it very strange, if I should not lay him fast; and therefore I have Signed a Warrant, to lay him close Prisoner in the Tower.

My Lords, I think, (but that I will not say positively, because I will not say any thing here, but what I am sure of,) I think I have the Gentleman that should have carryed the Letter, fast enough; but I know not, I may be mistaken.

And then my Lord Keeper concluded.

Gentlemen,

**Y**OU of the House of Commons, his Majesties pleasure is, that you do now repair to your own House, there to make choice of your Speaker, whom his Majesty will expect to be presented to him on Wednesday next, at two of the Clock in the Afternoon.

APRIL the 14<sup>th</sup>.

The Convocation began to sit at St. Pauls.

The



# The 15<sup>th</sup> of APRIL 1640.

*His Majesty being Seated on his Throne, Mr. Sergeant Glanville was called in, being presented by the House of Commons as their Speaker, and he being come to the Bar, spake as followeth.*

*May it please your Majesty,*

**T**HE Knights, Citizens, and Burgesſes, of your Commons-house of Parliament, in conformity to moſt ancient and moſt conſtant uſage (the beſt guide in great ſolemnities) according to their well-known privileges, (a ſure warrant for their proceedings) and in obedience to your Maſtieſties moſt Gracious Counſel and Command (a duty well becoming Loyal Subjects) have met together in their Houſe and choſen a Speaker, one of themſelves to be the mouth, indeed your ſervant of all the reſt, to ſteer watchfully and prudently in all their weighty Conſultations and debates, to collect faithfully and readily the genuine ſence of a numerous Aſſembly, to propound the ſame ſeaſonably, and in apt queſtions of their final Reſolutions, and ſo repreſent them and their Concluſions, their Declarations and Petitions, upon all urgent occaſions with truth, with right, with life and with luſtre, and with full advantage to your moſt excellent Maſteſty, with what Judgement, what temper, what ſpirit, what Elocution ought he to be endow- ed and qualified, that with any hope of good ſucceſs ſhould undergo any ſuch employment? your Maſteſty in your great Wiſdom, is beſt able to diſcern and judge, both as it may relate to your own peculiar and moſt important affairs of State and Government, and as it muſt relate to the proper buſineſs of your Houſe of Commons, which was never ſmall nor mean, and is like at this time to be exceeding weighty.

Had your Houſe of Commons been as happy in their choice (as they were regular, well warranted, and dutiful) of my ſelf, who ſtand elected yet to be their Speaker, and am now preſented by them to your Maſteſty, for your gracious and royal approbation, I ſhould not have needed to become troubleſome to your Maſteſty in this ſuit, for my releaſment and diſcharge, which now in duty to your Maſteſty and care for the good, proſperity, and ſucceſs of your affairs, I hold my ſelf obliged to make. My imperfections and diſabilities are beſt known to my ſelf, to your Maſteſty I ſuppoſe not altogether unknown, before whom in the courſe of my Practice and profeſſion, I have divers times had the honour and favour to appear and bear a part, as an ordinary pleader.

It is a learned Age wherein we live, under your Maſtieſties moſt peaceful and flouriſhing Government, and your Houſe of Commons (as it is now compoſed) is not only the repreſentative body, but the abſtracted quinteſſence of the whole Commonalty, of this your noble Realm of *England*; there be very many amongſt them,

The Speaker's Speech.

An. 1640.

‘them, much fitter for this place than I am, few or none in my opinion, so unfit as my self.

‘I most humbly beseech your Majesty, as you are the Father of the ‘Common-wealth and head of the whole Parliament, to whom the ‘care of all our welfare chiefly appertains, have respect to your own ‘ends, have regard to your House of Commons, have compassion upon me the most unworthy member of that Body, ready to faint ‘with fears, before the burthen light upon me.

‘In the fulness therefore of your Kingly power, your piety and your ‘goodness, be graciously pleased to command your house of Commons, once moer to meet together to consult and deliberate better, ‘about their choice of a meet Speaker, till they can agree of some ‘such person, as may be worthy of their choosing, and of your Majesty’s acceptance.

The Lord Keeper after directions received from his Majesty, replied as followeth.

The Lord  
Keeper’s Reply.

**H**IS Majesty with a gracious ear, a Princely attention, hath listened to your humble and modest excuse, full of flowers of Wit, of flowers of Eloquence, and flowers of Judgement.

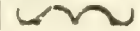
Many reasons from your self he hath taken, to approve and agree to the Choice and Election, made by the House of Commons, he finds none from any thing that you have said, to dissent or disagree from it; you have set forth your inabilities with so much Ability, you have so well deciphered and delineated the parts, duties, and office of a good Speaker, which is to collect the sence of the House judiciously, to render it with fidelity, to sum it up with dexterity, and to mould it into fit, and apt questions for resolutions, and those as occasion shall serve, to present with vigour, advantage, and humility to his Majesty, he doubts not, but you that are so perfect in the Theory, will with great ease perform the practick part, and with no less Commendation.

His Majesty hath taken notice, and well remembers, your often waiting on him in private Causes, wherein you have alwayes so carryed your self, and won so much good opinion from his Majesty, as he doubteth not but that now, when you are called forth to serve him, and the publick, your affections and the powers of your soul, will be set on work with more zeal, and more alacrity. It’s that for which the Philosophers call a man happy, when men that have ability and goodness, do meet with an object fit to bring it into Act, and such at this time is your good fortune, an occasion being ministred unto you, to shew your ability and goodness, and your fidelity to his Majesty’s Service, to shew the candor and clearness of your heart towards those of the House of Commons; In all which his Majesty nothing doubteth, but you will so discharge your self, as he may to his former favours, find occasion and reason to add more unto you, That the House of Commons may rejoice in this election of theirs, and that the whole Kingdom, by your good, clear, and candid service, may receive fruits that may be comfortable unto all.

His Majesty therefore doth approve and confirm the choice of the House of Commons, and ratifies you for the Speaker.

Then





Then Mr. Speaker addrest himself again to his Majesty.

Most Gracious Sovereign,

MY Profession hath taught me, that from the highest Judge and highest seat of Justice, there lyeth no *writ of Error*, no Appeal. Your Majesty in full Parliament, hath been pleased by the mouth of the *Lord Keeper*, to declare your Royal Judgement in affirmation of the Election of your House of Commons, whereby I'm become their Speaker, and their Servant. What is there therefore left unto me? but in the first place devoutly to beseech Almighty God, the Author and finisher of all good works, to enable me by his blessing to discharge honestly and effectually, so great a task, so great a trust.

The Speaker's farther Speech.

And in the next place, humbly to acknowledge (as I do) the great grace and favour, that is done unto me by your Majesty, and readily to conform my self to your good pleasure and command, to which I now submit with all possible cheerfulness, lest else my too much diffidence to undertake the service, might add a further disadvantage to my performance, than peradventure would arise out of my other Imperfections.

Two Enemies I might fear, the common Enemies of such Services, *Expectation* and *Jealousie*: I'm not worthy of the former, and I condemn the later. Time that tryeth truth, shall let the whole world see and know, that I am and will be found an equal Free-man, zealous to serve my Gracious King, and zealous to serve my dearest Countrey.

Monarchy, Royal and Hereditary, is of all sorts of Government the most compleat and excellent; whether we regard the Glory, the Wealth, or the safety of the Governour or of the People, or of both. And I hope there are not of this Nation any that are of Antimonarchical spirits or resolutions, no, nor dispositions, nor friends to such as are so; If there be, I wish no greater honour to this Parliament, than to discover them; and by all means possible to assist your Gracious Majesty to suppress them, or to confound them.

You are a great King at all times, but sitting now attended by your Prelates, your Lords, and People in free Parliament are in the highest state of Majesty and Glory.

I remember well, I heard your Majesties most Royal and learned Father our late dear Sovereign King *James* of sacred memory, speak to that purpose of himself and of Kings in general; his Majesty sitting then in Parliament, upon that Throne which by descent from him, and from innumerable Royal Ancestors, is now become your Majesties lawful Seat and rightful Inheritance.

To behold you thus in peace and safety, upon this great and good occasion, after full fifteen years experience of your most peaceful Government, yields most compleat joy to all your Majesties Loyal and Well-affected Subjects, who cannot but concur with me in this desire, *seruus in Cælum redeas diuq; letus intersis Britanno populo*. England is your Seat of Residence not made a Province, nor Governed by a *Vic-Roy*. God open all our Eyes and understandings, to discern  
'and

16 Carol.

‘and value the great blessings and benefits we enjoy, by your Majesty’s gracious presence and immediate influence of life and cheerfulness to all the parts of these your Noblest Kingdoms.

‘*Scotland* is your Birth-place, and therein hath advantage of your other Realms; God make them and keep them ever sensible and worthy of that Honour.

‘*Ireland* begins apace to imitate *England*, in a great and quick progression in civility of manners and Conversation, by many sedulous plantations and improvements of the Soyle, by their receiving and enacting of the more wholesome Laws and Statutes of this Kingdom, and by many other good effects and fruits of Peace, and blessed Government.

‘*France* is still an Attendant to your Royal Style and Title.

‘The Prerogative of a King is as necessary, as it is great: without it, he should want that power and Majesty which is, and ought to be inseparable from the Crown and Scepter. Nor can there any danger result from such prerogative in the King to the Liberty of the Subject, so long as both of them admit the Temperament of Law and Justice: Especially under such a King as your Majesty, who to your immortal glory among your printed Laws, have published this to the whole world for your Maxime, *The liberty of the People strengthens the Kings Prerogative, and the Kings Prerogative is to defend the Peoples liberty.* Apples of Gold in Pictures of Silver.

‘Kings as they are Kings, are never said to err, only the best may be abused by mis-information. The highest point of Prerogative is, *the King can do no wrong.* If therefore by the subtilty of mis-informers, by the specious false pretences of publick good, by cunning and close contrivance of their ways to seduce, the Sacred Royal Person shall at any time be circumvented or surprized, or over-wrought and drawn to command things contrary to Law, and that the same be done accordingly; These Commands will be void and the King innocent even in his very person, being defended by his Prerogative; Nevertheless the Authors in such mis-informations, and Actors in those abuses will stand lyable, and exposed to strict examination and just censure, as having nothing to defend themselves but the colour of a void Command, made void by just Prerogative, and by the fundamental and true reason of State and Monarchy: and what difference is there, or can be in Law, between a void Command, and no Command at all?

‘If Religion, Justice and mercy, all happily assembled and graciously lodged together in your Royal Breast, may give to your well-affected Subjects a good hope of the good Success of this Parliament, I know not why we should not all of us, expect it with much confidence. Some few particulars pertaining to these general heads, I humbly beg of your Majesty, that without offence to your sacred Ears, I may have leave to mention and observe, for the further comfort of my self and all that hear me.

‘What Prince of this Land was ever known to keep the hours and times set for Prayer and for the Service of Almighty God, with that Regularity and constancy as your Majesty? Nay more, have you not ever since your access to the Crown, had one day in every week besides the Lords Day, dedicated and applied to preaching and devotion? I may not stay here, there is another particular equalling



‘equalling, nay much excelling both the former, And that is your  
‘Majesties great care, to educate those pledges of Coniugal and most  
‘abundant mutual love, that is between your Majesty and your most  
‘gracious Consort, the best Queen and Woman, and the foundation  
‘of our future hopes, the most illustrious Prince *Charles*, and the rest  
‘of your Royal Progeny, in the true Religion of Almighty God,  
‘publickly professed and by Law establisht in this Kingdom; what  
‘tongue is able to expresse the great Joy and Comfort, which all your  
‘Majesties most loyal and loving Subjects do derive unto themselves,  
‘in Contemplation of your Majesties great piety and prudence in  
‘this one Act expressed, extending it self not only to the present time,  
‘but to the good of Succession and all after Ages !

‘Touching Justice, there is not any more certain sign to discern an  
‘equal Judge, than by his patience to be well informed before he  
‘give his sentence; and I may boldly say all your Judges through-  
‘out all your Kingdoms, may take example by your Majesty, and  
‘learn their duty, from your practice in this kind, I my self have  
‘been witness of it, to my no little Admiration and Content.

‘From your patient hearing, let me pass on to your righteous  
‘Judgement; and therein bring but one Instance, but it shall be a  
‘great one. When your Lords and your People in your last Parlia-  
‘ment, presented to your Majesty a Petition, concerning divers  
‘rights and liberties of your Subjects; the Petition being of no small  
‘weight and importance, as by the same may well appear, your Ma-  
‘jesty after meet deliberation, in few but most effectual words (*voit  
droit fait come est desire,*) made them such an answer, as shall  
‘renown you for just Judgement, in this Age and to all Posterity.

‘I make haste to come to your mercy, whereof I cannot but have  
‘need again and again, before I have finished that service to which I  
‘am enjoyned, and am not altogether in despair of obtaining it;  
‘Nevertheless the mercy which I mean to celebrate, is not only  
‘concerning single or particular persons, but whole Nations; that  
‘unexampled mercy and Clemency, which (in your Royal Wisdom  
‘and abundant goodness, happily met together) your Majesty vouch-  
‘safed to shew to us and all your Kingdom, in not drawing your  
‘Sword of Justice the last Summer, against your People of *Scotland*,  
‘though your Armies were much the better and the stronger.

‘It seems your Majesty remembred with more tenderness of heart  
‘than they do, that they were Christians and your Subjects, and that  
‘your Power was *posse & nolle nobile*. Whatsoever might be the  
‘Rule that inclined you to mercy, I am sure the benefit redounds to  
‘us and ours, who by this means are still in peace and tranquillity,  
‘not without good hope of long continuance; A blessing peradven-  
‘ture undervalued by us, we have had so much of it, under your  
‘Majesties most gracious Fathers Royal Government.

‘I have yet no Instructions from your House of Commons,  
‘therefore can propound nothing as by Warrant from them;  
‘But if I may have leave to present to your Majesty my own  
‘most humble and most hearty wishes and desires, they be directed  
‘upon Religion, and Chivalry, Commerce, Justice, and Unity:  
‘That this Parliament may be famous for the care and contentment  
‘of Gods true Religion in this world and that to come; and to that  
‘purpose, that the most Reverend Prelates your Majesties Arch-Bi

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shops and Bishops, sitting on the right hand of your Throne, will be therein most forward, to whom it is most proper.

That the Lords Temporal girt with their Swords in their creation, as more specially rewarded or desired for Actions Military, would call to mind the most Noble and most Valiant of their Ancestors, whose Lands and Honours they inherit; and how famous this Land hath been at home and abroad, for Deeds of Arms and Acts of Chivalry, and to labour to restore it by all means to its antient Glory. The best way to preserve Peace, is to be ready prepared and well fitted for War.

That your Majesty would be pleased to command, that your Grave and Reverend Judges, whose observations should exceed all other mens, though they be but assistants in this service, to contribute the best and utmost they can, to explain, to execute, to advance our good old Laws, and to propound such things for the enacting of wholesome and plain new Statutes, that every subject of this Realm may be enabled to know and understand himself clearly, both what he hath to do, and what he may possess, and what not. There are no considerable Mines Royal in this Kingdom: Trade and Commerce, the exportation of our Wools in Manufactures and native Commodities, is that which furnisheth us with Gold and Silver, the materials of our Moneys, and hath only power to enable us to supply your Majesty, for the defending of our selves, and the offending of others. That Merchants and Trademen therefore, should have all meet encouragement, is a most special Interest of this *Island*.

But were we never so Valiant, never so Wealthy, if Love and Unity be not amongst us, what good will our Wealth do to our selves, or to your Majesty? He that commands a heart in Love, he and he only commands assuredly the Purse to pay, and the Hands to fight. I pray God therefore, that we may all endeavour to knit such a knot of true affection, betwixt the Head and Members, that all Jesuited Foreign States, who look perchance with envious and malignant Eyes upon us, and would be glad to rejoice in our Divisions, may see themselves lost and defeated of all their subtil Plots and Combinations, and of all their wicked hopes and expectations, to render us (if their Endeavours might prevail) a people inconsiderable at home, and contemptible abroad.

Religion teacheth us, *Si Deus nobiscum, quis contra nos?* and experience I hope will teach us, *Si sumus inseparabiles sumus inseparabiles*. It was wont to be, and I hope it ever will be the Tenet and Position of your House of Commons, That the good of the King and of the People cannot be severed, and cursed be every one that shall go about to divide them.

I fear I have adventured too far on your Royal patience, though yet I confess, I never knew it wearied; nevertheless I will here conclude. Only first beseech your gracious Majesty, in the name and right of the whole House of Commons, that in your Justice you would be pleased, to grant and confirm to them (for their better Encouragement to proceed in their great business) these their antient and just Liberties, which time out of mind they have rightfully enjoyed.

That



‘That they, their Servants and necessary Attendants, together  
‘with their Goods, may be freed from all Imprisonments, Arrests  
‘and Molestations, during Parliament.

‘That they may enjoy freedom of Speech, in all their Propositi-  
‘ons and Debates; which I hope they will be careful to use, within  
‘the Bounds of Loyalty and Duty.

‘That upon all necessary occasions, they may have access to your  
‘Majesty, with such a competent Number, and at such seasonable  
‘times and place, as your Majesty shall appoint.

‘And last of all, that your Majesty will be pleased, graciously to  
‘make the best Construction of all their Words and Actions, and  
‘of mine in particular.

## Thursday APRIL the 16<sup>th</sup>.

AS soon as the House of Commons had this day settled the Grand  
Committees for Religion, Priviledges, Courts of Justice and  
Grievances, Mr. Secretary *Windebanke* acquainted the House, that  
he had been by the Kings Commandment at the *Tower*, to examine  
the Lord *London*; who said, he did believe that to be his hand-wri-  
ting which was subscribed to a Letter, mentioned in his Majesties  
Speech, and did conceive the other names subscribed to the same  
Letter, were of the hand-writing of the persons therein named.

1. **T**He Speaker received a Command from the King, That his  
Majesties Speech should be entred in the Journal of the  
Commons House of Parliament; whereupon the House passed a  
Declarative Vote, That they did not expect, that this should be  
performed by other Speakers, but upon the like special Command,  
or by the Order of the House.

2. **A** Fast was agreed upon by the House of Commons; to which  
purpose, this Message was sent to the Lords, ‘That they  
‘had taken into consideration the great and weighty affairs now  
‘in agitation in both Houses of Parliament, concerning the welfare  
‘of his Majesty and this whole Kingdom: and because the principal  
‘way and means to attain to a happy and prosperous conclusion in  
‘the same, is to beg the Divine Assistance and Direction of Almighty  
‘God, in all their Consultations by solemn humiliation; therefore  
‘they desired the Lords to joyn with them, to move his Majesty for  
‘his gracious Allowance of so pious a work: and that he would be  
‘pleased, to grant and appoint a Fast throughout the whole King-  
‘dom.

Several Petitions were read, presented by the Knights of the Shires,  
for the Counties of *Middlesex*, *Hertford*, &c. *Arthur Capell* Esq;  
delivered in the first Petition given in by the Free-holders of the

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County of Hertford, complaining of *Ship-money, Projects, Monopolies, Star-Chamber, High Commission Courts, &c.* setting forth the grievances of the People by the Church and State; which being read, several of the Members delivered their sense of the present state of affairs; and he who stood up first, was *Harbottle Grimston Esq;*, who spake to the effect following.

*Mr. Speaker,*

*Harbottle  
Grimston Esq;*  
his Speech.

WE are called by his Majesty, to consult together of the great and weighty affairs of the State and Kingdom. There hath now a great and weighty business been presented to this House, and a Letter hath been read, importing (according to the Interpretation which hath been collected out of it) a Defection of the Kings natural subjects. This is a great cause, and very worthy of the Consideration and Advise of this great Council: But I am very much mistaken, if there be not a Case here at home of as great danger, as that which is already put. The one stands without at the back-door (for so dangers from thence in all our Histories have ever been termed) but the Case we will put, is a Case already upon our backs. And in these great cases of danger, (which so much concern the welfare of the Body Politick) we ought to do like skilful Physicians, that are not led in their Judgements so much by outward expressions of a disease, as by the inward Symptoms and Causes of it: For it fares with a Body politic, as it doth with a natural Body. It is impossible to cure an ulcerous body, unless you first cleanse the veins, and purge the body from the Obstructions and pestilent humours that surcharge Nature: and that being once done, the Botches, Blanes and Scabbs which grow upon the superficies and outside of the Body, will dry up, shed, and fall away of themselves. The Danger that hath now been presented to the House, it standeth at a distance; and we heartily wish it were further off: yet as it stands at a distance, it is so much the less dangerous. But the case that I shall put, is a Case of great danger here at home. And is so much the more dangerous, because it is home-bred, and runs in the Veins.

If the one shall appear to be as great a danger as the other; we hope it will not be thought unreasonable at this time, to put the one as well as the other.

*Mr. Speaker,*

The Case is this, The Charter of our Liberties called *Magna Charta*, was granted unto us by King *John*, which was but a Renovation and Restitution of the antient Laws of this Kingdom. This Charter was afterwards in the succession of several Ages, confirmed unto us above thirty several times, and in the third year of his Majesties Reign that now is, we had more than a Confirmation of it: for we had an Act declaratory past: and then to put it out of all question and dispute for the future, his Majesty by his gracious Answer, *Soit Droit fait come est desire*, invested it with the Title of *Petition of Right*. What expositions contrary to that Law of Right, have some men given to the undermining the liberty of the subjects, with new invented subtil distinctions, and assuming to themselves a power (I know not where they had it) out of Parliament,



'Parliament, to supersede, annihilate and make void the Laws of the  
'Kingdom? The Common-wealth hath been miserably torn and  
'massacred, and all Property and Liberty shaken, the Church di-  
'tracted, the Gospel and professors of it persecuted, and the whole  
'Nation over-run with swarms of projecting Canker-worms and  
'Caterpillars, the worst of all the *Egyptian* Plagues: Then (as the  
'case now stands with us) I conceive there are two points very  
'considerable in it. The first is, What hath been done any way to  
'impeach the liberties of the subjects, contrary to the *Petition of*  
'*Right*? The second is, Who have been the Authors and Causes  
'of it?

'The serious examination and discussion of these two questions,  
'do highly concern his Majesty in point of honour, and his subjects  
'in point of Interest. And all that I shall say to it, are but the  
'words that *Ezra* used to King *Artaxerxes* of the settlement of that  
'State, which at that time was as much out of frame and order, as  
'ours is at this present; that which cured theirs, I hope will cure  
'ours: his words are these, *whosoever*, saith he, *hath not done the*  
'*Laws of God and the King, let Judgement be speedily executed upon*  
'*him, whether it be unto Banishment, or to confiscation of goods, or to*  
'*Imprisonment*. It may be some do think this a strange Text, and  
'tis possible some may think it as strange a Case: As for the Text,  
'every man may read it that will; and for the Case, I am afraid  
'there are but few here, that do not experimentally know it, as bad  
'as I have put it, and how to mend a bad Cause, I take it is part of  
'the business we now meet about.

'His Majesty yesterday did graciously confirm unto us, our great  
'and antient Liberties of Freedom of speech; and having his Kingly  
'word for it, I shall rest as confidently upon it, as the greatest se-  
'curity under Heaven, whilst I have the honour to have a place  
'here, and I shall with all humility be bold to express myself like  
'a *Free-man*.

'The diseases and distempers that now are in our Bodies politick,  
'are grown to that height, that they pray for and importune a  
'Cure. And his Majesty, out of his tender care and affection to  
'his people, like a Nursing Father, hath now freely offered himself  
'to hear our Grievances and Complaints. We cannot complain we  
'want good Laws; the wit of man cannot invent better than are al-  
'ready made: there want only some examples, that such as have  
'been the Authors and Causes of all our miseries and distractions in  
'Church and Common-wealth contrary to these good Laws, might  
'be treacle to expell the poyson of mischief out of others.

'But my part is, but *ostendere partem*; therefore having put the  
'Case, I must leave it to the Judgement of this House, Whether our  
'dangers here at home, be not as great and considerable, as that  
'which was even now presented?

After him *Sr. Benjamin Rudyard* delivered his sense of the present  
state of affairs, in this manner.

'**T**Here is a great door opened unto us of doing good, if we take  
'the Advantage thereof: We are here met, by the blessing of  
'God and our King: Parliaments have of late dayes become untor-  
'tunate;

*Sr. Benjamin  
Rudyard's  
Speech.*

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‘tunate ; it is our duty by our good temper and carriage, to restore them to their antient Lustre.

‘There be some here present, who can remember the breaking up of the last Parliament ; a business certainly from which the Papists are not exempt, who now by the discontinuance of Parliaments, are come to that arrogance and boldness, that they contend with us, who are the better subjects. Their Envy I like, but their presumption is not to be born. I wish them no harm, but good ; for I desire their Conviction : and the way to do that, is to set up better Lights, who have warmth in them, and are not luke-warm in Religion. Surely they that quarrel betwixt preaching and prayer, and would have them contend, never meant well to either : But both must have their due. And yet I know not how it comes to pass, but it hapneth to us, which is in no other Religion in the World, that a man may be too religious : and many one by that scandal, is frightened into a deep dissimulation. It is wisdom in us, to preserve temper and moderation : for breaking of Parliaments makes dangerous wounds in the body politic : and if the splinters be not pulled out with a gentle hand, we may hereafter despair of Cure.

In 14 Ed. 3. Subsidies were given to the King for his expedition into *France*, but by the ill Management of his Treasure here, he was so low, that he was glad to make Truce with the *French* King.

‘In 15 E. 3. he returns, and summoned a Parliament, wherein there was nothing but Jealousies and distempers.

‘In 17 E. 3. he called another Parliament, to procure an Attonement with his subjects, which took good success by their humble Obedience to him, and his willingness to ratifie their Liberty, whereby all breaches were then made up.

‘A Parliament is the bed of Reconciliation between King and People ; and therefore it is fit for us, to lay aside all exasperations, and carry our selves with humility : howbeit the Kings Prerogative may go far, yet if it be swayed with Equanimity, it may be the better born.

‘Princes are, and will be as jealous of their power, as people of their liberties ; though both are then best, when kept within their several Bounds. Levying of Moneys is a great disturbance to the subject ; and so will be the scarcity of the Kings Revenues, until they be supplied. And where the Power of the King and necessity meets in one hand, he will not long be disappointed. But before the ending of this Parliament, (the untimely breaking whereof would be the breaking of us) I doubt not but his Majesties Revenues may be so settled, that he may live plentifully at home and abroad : and without taking any thing from his Majesty, save that, which of it self would fall away.

‘In former Parliaments, the Carriage of some have been so haughty, as though Parliaments would last alwayes ; and the carriage of others, as if there would be never any again. And therefore a moderation (if we love our selves) is requisite.

‘The Delays of remedies are well known, how dangerous they are to the Common-wealth and Religion, seeing during this Vacation of Parliaments, so many disorders have been committed, by Innovations in Religion, Violation of Laws, and intruding upon Liberties.



‘To set all which aright, is now our task: and if in these tempting provocations we bear a temperate moderation, we shall not miss of our end, but shall vindicate God in his Religion, the King in his Honour, and the Common-wealth in its gasping Extremities.

‘If temper and moderation be not respected by us, beware of having the Race of Parliaments rooted out.

‘Men and Brethren, What shall we do? If it were for my life, I would desire nothing more, than that we proceed with moderation, that so we may have many happy Parliaments, and that no dismal Events may happen to any: for when Parliaments are gone, we are lost.

**T**He House the next day *April 17.* falling again upon the Debate of Grievances in general, occasioned by Petitions brought in by the Knights of the Shires, for *Essex, Suffolk, &c.* thereupon several other Members spake their sense; but Mr. *Pym* spake more fully than the rest, to this effect.

‘**H**E that takes away weights from the Motions, doth as good service, as he that adds wings unto them. These weights are old grievances. He therefore will do a good work for the King, who to expedite his designs, will set good Rules and Patterns for effecting thereof.

‘When God made the World, he did it by a Pattern which himself had conceived: And *Moses* did according to the Pattern he saw in the Mount.

‘I shall therefore offer you a Model of the Grievances which afflict the Common-wealth, and which have disabled us to administer any supply, until they be redressed, and will still disable us; which Grievances may be reduced to three Heads.

‘The First, are those Grievances, which during these Eleven years interval of Parliaments, are against the Liberties and Privileges of Parliament.

1.

The Second, are Innovations in matters of Religion.

2.

‘The Third, Grievances against the Propriety of our goods.

3.

‘Which Grievances I will first propound, and Secondly, Shew that the permission of them is as prejudicial to his Majesty, as to the Common-wealth: and Thirdly, I will shew what way they may be remedied.

‘In all these, I shall take care to maintain, the great Prerogative of the King; which is, that *the King can do no wrong.*

‘And First, I will begin with the Grievances against the Privileges and Liberties of Parliament. We all know, that the intellectual part, which ought to govern all the rest, ought to be kept from distemper; for it is that which purgeth us from all Errors, and prevents other mischiefs for time to come.

‘If the understanding part be hurt, the mind cannot perform her function.

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‘ A Parliament is that to the Common-wealth, which the Soul is  
 ‘ to the body, which is only able to apprehend and understand the  
 ‘ symptoms of all such diseases, which threaten the Body politic.  
 ‘ It behoves us therefore, to keep the faculty of that Soul from  
 ‘ distempers.

‘ I shall briefly therefore give you a View of such occurrences, as  
 ‘ have altered the happy and healthful constitution of it: and in the  
 ‘ first place, I must remember the breaches of our Liberties and Pri-  
 ‘ viledges of Parliament, which are,

1. ‘ First, In that the Speaker the last Parliament, (the last day of it)  
 ‘ being commanded to put the question, the House was commanded  
 ‘ they should not speak. These are conceived to be the grounds of  
 ‘ whatsoever befell those Gentlemen, which so lately suffered. ’Tis  
 ‘ true, the House was commanded to adjourn presently, yet whilst  
 ‘ the House sate, God forbid we should be barr’d from offering the  
 ‘ last sighs and groans to his Majesty.
2. ‘ Secondly, In that the Parliament was then dissolved, before our  
 ‘ Grievances had redress, or before we could make our Wills known,  
 ‘ which is the privilege of Dying men; and to be heard before con-  
 ‘ demned, is not denyed to private persons.
3. ‘ Thirdly, That the Judges presume to question the proceedings  
 ‘ of this House: it is against nature and order, that inferiour Courts  
 ‘ should undertake to regulate superiour. The Court of Parliament  
 ‘ is a Court of the highest Jurisdiction, and cannot be censured by  
 ‘ any other Law or sentence, but by its own.
4. ‘ Fourthly, The several Imprisonments of divers Gentlemen, for  
 ‘ speaking freely in Parliament.
5. ‘ Fifthly, That inferiour Courts should be informed to punish  
 ‘ Acts done in this Court, whereby divers members of the House  
 ‘ were so kept in Prison, till they had put in security for their good  
 ‘ behaviour; and some of them dyed in Prison, others not released,  
 ‘ until Writs came for this Parliament.
6. ‘ Lastly, (which I conceive to be the greatest) That the Parli-  
 ‘ ament was punished, without being suffered to make its own de-  
 ‘ fence. I call the Dissolution of the Parliament a punishment, and  
 ‘ justly: The breaking of the Parliament, is death to a good  
 ‘ subject.  
 ‘ But it is to be observed, that in this and the other Grievances,  
 ‘ though the King be no party (for his Highnesses Prerogative is  
 ‘ to Do no Wrong) yet most of these distempers of State, arise and  
 ‘ do invade the subjects, by means of mis-informing him: As the  
 ‘ Celestial Bodies of themselves send forth nothing but wholesome-  
 ‘ ness to man; but by the ill distemper in inferiour bodies, much  
 ‘ hurt ariseth from them.

‘ The next sort of Grievances I deliver, are those that concern  
 ‘ matters of Religion.

‘ Wherein



‘Wherein I will first observe, the great Encouragement which is given to them of the Popish Religion, by an universal suspension of all Laws that are against them, and some of them admitted into publick places of trust and power.

‘I desire not to have any new Laws made against them (God be thanked we have enough) nor a strict execution of the old ones, but only so far forth, as tends to the safety of his Majesty, and such a practice of them, that the Religion that can brook no Corrivall, may not be the destruction of ours, by being too concurrent with it.

‘There is an Intention of a *Nuncio* from the Pope, who is to be here, to give secret intelligence to *Rome*, how we incline here, and what will be thought fit to win us thither.

‘I observe as a great Grievance, there are divers Innovations in Religion amongst our selves, to make us more capable of a translation; to which purpose Popish Books have been publisht in print, and Disputations of Popish Points are, and have been used in the Universities and elsewhere with priviledge, and preached in the Pulpit, and maintained for sound Doctrine, whereby Popish Tenets are maintained.

‘The introducing of Popish Ceremonies, as Altars, bowing towards the East, Pictures, Crosses, Crucifixes, and the like, which of themselves considered, are as so many dry Bones, but being put together, make the man. We are not now contented with the old Ceremonies, I mean such as the constitution of the Reformed Religion hath continued unto us: But we must introduce again many of those superstitious and infirm Ceremonies, which accompanied the most decrepit age of Popery, bowing to the Altar and the like.

‘I shall observe the daily discouraging of all godly men, who truly profess the Protestant Religion, as though men could be too Religious.

‘Some things are urged by Ecclesiastical men, without any ground by any Canon or Article establish’t, and without any Command from the King, either under his Great Seal, or by Proclamation.

‘The Parliament ever since Queen *Elizabeth*’s time, desired the Bishops to deal moderately; but how they have answered those desires we all know, and these good men for the most part feel.

‘I may not forget, that many of the Ministers are deprived, for refusing to read the Book for Sports and Recreation upon the Sabbath, which was a device of their own heads: which Book I may affirm hath many things faulty in it.

‘Then the encroaching upon the Kings Authority by Ecclesiastical Courts, as namely the *High Commission*, which takes upon it to Fine and imprison men, enforcing them to take the Oath *Ex Officio*, with many of the like Usurpations, which are punishments belonging only to Temporal Jurisdiction: And it hath been resolved in the time of King *James*, that the Statute of 1 *Eliz. cap. 1.* gives them no such power: moreover the power which they claim, they derive not from the King, nor from any Law or Statute; but they will immediately have it from Heaven *Jure divino*. Divers particular Ordinaries, Chancellors and Arch-Deacons take upon them to make and ordain Constitutions within their particular Limits:

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‘all these things are true to the knowledge of most that hear n e.  
 ‘I now come to the general Head of Grievances, which is the Grievances belonging to our Goods, and are in Civil matters, the heads thereof are too many.

‘The taking of *Tonnage* and *Poundage*, and divers other Impositions, without any Grant or Law for to do so, is a great Grievance.

‘There are divers antient Customs due to the King, but they are certain what they are, and are due by prescription: These Customs being too narrow for his service, and the affections of the People growing stronger and stronger to their Prince, *Tonnage* and *Poundage* were granted for years to the King; and afterwards by this House granted for Lives; but never were taken by the Kings own Act without a Parliament; for doing which, there is no president, unless in a year or two in the latter end of Queen *Elizabeth*.

‘In the next place of these Grievances, I rank *Knighthood*, the Original whereof was, that persons fit for Chivalry might be improved: But this after was stretched for another end, for money, and extended not only to *Terre tenants*, but to *Lessees* and *Merchants*, who were first to appear, and then to plead for themselves at the Council Board; but were delayed from day to day, to their great charge and inconvenience: and notwithstanding the just defence they have made for themselves, there have been infinite distresses laid upon them until the Fines were paid, which were imposed not by Courts, but by Commissioners assigned for that purpose: and this being a continuing offence, they are by the same Rule, as lyable now to Fines, as ever.

*Monopolies* and inundations of them, whereby a burthen is laid not only upon foreign, but upon Native Commodities; as Soap, Salt, Drink, &c. the particulars whereof are fit for the Committee of Grievances.

‘Fourthly, *Ship-money*; and although there be a Judgement for it, yet I dare be bold to say it’s against all former Presidents and Laws, and not one Judgement that ever maintained it. This is a Grievance that all are grieved at, having no Limits either for time or proportion: If therefore any shall endeavour to defend this, he must know, that both his Reputation and Conscience lye at stake in the Defence.

‘The Enlarging the bounds of the *Forest*. Though our Ancestors were heretofore questioned for the same thing, yet upon the satisfaction of all the objections that were, or could be made, they then saved themselves; yet now the same things are turned upon us.

‘The Sale of *publick Nuisances*, for so they are pretended to be. Many great *Nuisances* have been complained of: But when there hath been money given, and Compositions made, then they are no more *Nuisances*, as Buildings and Depopulations.

*Military Charges* and Impositions upon Counties, by Letters only from the Council Table, whereby Soldiers Conduct-money and Coats are to be provided at the Countreys charge; and Horses also provided without ground or Law; many things in this kind being done by Deputy Lieutenants of their own accord.



‘*Extrajudicial Judgements* and Impositions of the Judges without any cause before them, whereby they have anticipated the Judgment which is legal and publick, and circumvented one of the parties of just remedies, in that no Writ of Error lyes, but only upon the Judicial proceedings.

‘The next sort of Grievances is, that the great Courts do countenance the oppressions, as I may instance in the Court of *Star-Chamber* advancing and countenancing of *Monopolies*, which should be instead of this great Council of the Kingdom; and the *Star-Chamber* now is become a Court of Revenue; Informations there being put in against Sheriffs, for not making returns of Money upon the Writs of *Ship-money*: It was not used, that *meum & tuum* should be disputed there.

‘The Privy Councillors should be Lights of the Realm: Sure in them is the greatest trust, and they by *Magna Charta*, are to do Justice (as was urged by one in this House the last Parliament) but now if these Councillors should so far descend below themselves, as to countenance, nay to plot projects and Monopolies, what shall we think of this? Surely it is much beneath their dignity: this is a great Grievance, but I must go higher.

‘I know the King hath a transcendent power in many Cases, whereby by Proclamation he may prevent and guard against sudden accidents: But that this power should be applyed to countenance Monopolies (the projectors being not content with their private Grants without a Proclamation) is without president. But yet I must go higher than this; It hath been in the Pulpit applyed, and also published in Books and Disputations, asserting a power unlimited in the King, that he may do what he pleaseth.

‘This Grievance was complained of in the last Parliament, in the case of Dr. *Mainwaring*, who for maintaining that opinion in a Sermon, *That a Subject had no Propriety in his goods, but that all was at the Kings pleasure*, made his submission upon his knees in this place; and was then brought so low, that I thought he would not have leapt so soon into a Bishoprick.

‘I have by this time wearied you as well as my self; but I am come to the last Grievance, which is the fountain of all these, and that is the *Intermissions of Parliaments*, whereas by two Statutes not repealed nor expired, a Parliament ought to be once in a year.

‘These Grievances are as prejudicial to his Majesty, as to the Commonwealth.

‘The Breach of Parliaments is much prejudicial; for by this means the great Union and Love, which should be kept and communicated betwixt the King and his subjects, is interrupted: They cannot make known their Petitions, nor the King his Wants, to have supplies. Where the intercourse of the spirits betwixt the head and the members is hindred, the Body prospers not.

‘If Parliaments had been more frequent, the King had had more supplies.

‘By our Grievance in Religion, the Kings party abroad is much weakened; and that great part of his Aids abroad do forsake us, is for that they think we are forsaking our Religion.

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‘Many of the Kings subjects for that they cannot be quiet in things indifferent, and know not where they shall have an end of them, have departed this Land with their Goods, Estates and Posterities.

‘The Preferments of men ill deserving, and neglecting others of great Integrity and Merit, hath much weakned and discouraged us.

‘There are but a few now, that apply themselves either to do well or to deserve well; finding Flattery and Compliance to be the easier way to attain their ends and expectations.

‘The not observing of Laws, but countenancing of Monopolies and such like, breed Jealousies in the minds of many, and may prepare a way for distempers, though (thanks be to God) as yet there have been none; our Religion having preserved us. But if any thing but well should happen, one Summers distempers would breed great change, and more than all unlawful Courses would recompence.

‘We know how unfortunate *Henry III.* and other Princes have been, by the occasion of such breaking of their Laws. I pray God that we never see such times.

‘We are not content to multiply Impositions upon Merchants Goods, which are exported and imported into the Kingdom: But now there is a growing mischief in plotting for an Imposition upon such Goods as never see *England*, but are conveyed from *France* to *Spain*, or the like, by *English* Merchants. A course before this time never heard of: and such illegal things are badly accounted for to the King; whereas Legal things will soon be discovered, if not accounted for.

‘Besides, in Monopolies and such like, the third part comes not to his Majesties Coffers, as to instance in that of Wines.

‘The King hath *Thirty Thousand Pounds per Annum* upon them, where the Wines in the gains by the Patent come to *Eighty Thousand Pounds* at the first, from the time of their Arrival: and being drawn come to *Two Hundred and Thirty Thousand Pounds per Annum*; and the same proportion holds in all other Monopolies, whereby it appears, how much the subject is damnified, and how little the King gains.

‘I come now to the last thing, the remedy of these Grievances.

‘First, I advise to present them to the House of Peers, that they may joyn with us to go to the King, and pray that these Grievances being clear in fact, may be Voted; if any thing in the Vote be stuck upon, that it may be debated and drawn according to the course of the House, into a Remonstrance, with an humble Petition of both Houses for redress. And I hope the Wisdom of this House will prepare such a Remedy, as will make the King a great King, and the people happy.

Saturday,  
April 18.

**S**aturday, April 18. spake divers other Members, and thereupon the House Voted, That the proceedings remaining upon Record in the Upper Bench and Court of *Star-Chamber* against *Sr. John Elliot*, *Mr. Hollis*, and the imprisoned Members of the Parliament (3 & 4 *Caroli*) should be sent for, and that it be also referred to a Committee to consider of the Breach of the Priviledge of Parliament; and more particularly, what was done by the Speaker of Parliament, when he refused to put the question by the command of the House; the Committee



Committee was ordered to state matter of fact, and to report.

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They also appointed another Committee to collect and dispose the material points of the Grievances mentioned in the several Petitions, and other grievances of the like nature; And ordered that the Records in the case of *Ship Money* which concerned Mr. *Hampden*, should be brought into the House.

**M**unday April the 20. The business concerning Sr. *John Finch* in the Parliament 3 Car. was presently examined, and it was Reported by Mr. *Treasurer* upon Examination, that he did not say, *he would not put the Question*, but that he said, *he durst not put it*. That he left the Chair not to disobey the Parliament, but to obey his Majesty.

Munday  
April 20.

The House thereupon resolved, that it was a breach of privilege of the House, for the Speaker not to obey the Commands of the House; and that it appeared the Speaker did adjourn the House by the command of the King, without consent of the House, which is also a breach of the privilege, it was therefore ordered that this should be presented to his Majesty.

It was also reported unto the House by Mr. *Glyn* from the grand Committee for Grievances, that *Ship Money* by the Vote of the Committee was presented to the consideration of the House as a grievance.

**T**uesday April 21. The King sent a Message to both Houses, to attend his Majesty in the *Banqueting-House* at two of the clock this afternoon, and they went accordingly, to whom the *Lord Keeper* spake to this purpose, the King being present.

Tuesday  
April 21.

*My Lords and Gentlemen,*

**Y**OU may well remember, upon the beginning of this Parliament his Majesty commanded me, to deliver unto you the causes of calling of it, which was, for the Assistance and supply of his Majesty in so great, weighty, and important affairs, as ever King of *England* had to require at his Subjects hands.

I am now to put you in mind what I then said unto you, and withal to let you know, that such and so great are his Majesties occasions at this time, that if the supply be not speedy, it will be of no use at all: for the Army is now Marching, and doth stand his Majesty in at least *one hundred thousand pounds a month*, and if there be not means used to go on with this as is fitting, his Majesties design will be lost, and the charge all cast away. It is not a great and ample supply for the perfecting of the work, that his Majesty doth now expect, but it is such a supply (as without which) the charge will be lost, and the design frustrated, being built upon those weighty reasons which tend to the infinite good of the Kingdom, and preservation of you all.

This done, his Majesty will give you scope and liberty to present your just grievances unto him, and he will hear them with a gracious ear, and give them such an answer, as you and all the Kingdom shall have reason to joy therein.

His

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‘ His Majesty taketh notice of one particular, and that is concerning *Ship-money*; wherein his Majesty hath commanded me to declare thus much unto you : First, His Majesty never had it in his Royal heart, to make an annual Revenue of it, nor ever had a thought to make the least benefit or profit of it : But whatsoever he did or intended in it, it was for the Common good of you all ; for the honour, glory and splendor of this Nation, and that every one of us are made sharers and partakers in the benefits, fruits, and successes of it, which otherwise you would have felt the woes of it. He hath been so far from making the least benefit of it, that he hath expended great Summs of Money out of his own Coffers to work with, to those necessary ends I have named unto you.

‘ The Accompts of such Moneys so received, have been brought to the Council Table, the Moneys delivered to Sir *William Russel* the Treasurer of the *Navy*, and by them all it may appear whether there hath been a fulness and clearness of truth in the disbursements thereof, for the good and safety of the Kingdom.

‘ It is true, his Majesty had once intended this year not to have taken that course, but an *Army* which his Majesty so just a King for the preservation of the Kingdom hath now taken into Consideration ; And I must tell you, that his Majesty prizeth nothing more than his honour, and he will not lose for any earthly thing, his honour in the least ; They cannot make those expressions of love, duty and affection to him, which the graciousness of his nature will not exceed in.

‘ Of all his Kingdoms, this ought to be the nearest and dearest unto him, yet for his Kingdom of *Ireland* the last Parliament before this, the very second day of the Parliament they gave him six Subsidies, they relied upon his gracious words, the success was that before the end of the Parliament, they had all that they did desire granted, and had it with an advantage. This last Parliament there, it is well known unto you all, what a cheerful supply they have given unto his Majesty, for their hearts went with it ; and let it not be apprehended, that Subsidies there are of small Value ; there is not a Subsidy that is granted, but it is worth *fifty or sixty thousand pounds* at the least : Consider that Kingdom, what proportion it holdeth with this of *England*, and you will find, that it is a considerable Gift, as hath been given in many years. It hath wrought this effect, That certainly his Majesty will make it apparent to all the world, what a good construction, and how graciously he doth esteem and interpret this Act of theirs. I have directed hitherto my Speech to you that are of the House of Commons ; Now I shall address my self to your Lordships.

‘ It is true, the proper and natural Supply proceeds from the House of Commons, yet in aide at this time, his Majesty hath called you hither ; and hopeth he shall not find the House of Commons backward to his desires, nor your Lordships to concur with them.

‘ To you of the House of Commons, I did forget one thing, of an Objection that might perhaps be made ; That *Tonnage and Poundage* is given towards the maintenance of a *Fleet* at Sea, let me tell you, that *Tonnage and Poundage* was never intended but for ordinary preservation of the Sea, not that that should be to defend the Dominion of the Narrow Seas, when the Navies of all the Princes of

‘ Chri-



‘ Christendom are so increased as they are. It is fit for his Majesty  
‘ ( as things now stand ) to have such a strength at Sea, as may be  
‘ a terror to others abroad.

‘ His Majesty was once resolved that no *Shipping Writs* should  
‘ have issued out this year, but he was enforced for your good, and  
‘ the good of the Kingdom, and for his Honour, upon necessary and  
‘ weighty reasons to send forth *Writs*, and those reasons were these.

‘ It was of necessity for his Majesty to prepare an Army to reduce  
‘ his disaffected Subjects of *Scotland* to their due Obedience. This  
‘ very year all the Neighbouring Princes are preparing with great  
‘ *Fleets* of ships, so as it is time for his Majesty to put himself into a  
‘ strength that he may be able to preserve the Dominion of the Nar-  
‘ row Seas, without which this Kingdom will be lost, he not able to  
‘ maintain his right of being the Moderator of the Sea, whereby  
‘ there may be Freedom and Commerce of Trade, which adds ex-  
‘ ceedingly to the flourishing of this Kingdom. Another reason for  
‘ *Shipping-Writs* this year is, That those of *Argier* are grown to that  
‘ insolency, that they are provided of a *Fleet* of sixty sail of ships, and  
‘ have taken divers ships, and one called the *Rebecca* of *London* ( well  
‘ known to the Merchants upon the *Exchange* ) taken upon the  
‘ Coasts of *Spain*, worth at the least *two hundred and sixty thousand*  
‘ *pounds*. And therefore the *Writ* having gone out upon those weighty  
‘ reasons, before it was possible the Parliament could give any sup-  
‘ ply to provide for those things, his Majesty cannot this year forbear  
‘ it, but he doth expect your Concurrence in the Levying of it for  
‘ the future. I shall speak that unto you by his Majesties Command,  
‘ which may comfort any English heart; His Majesty hath no  
‘ thoughts of enriching himself by the monies coming in upon these  
‘ *Writs*; he doth desire but to live as it behoves a King of *England*,  
‘ able to defend you and this Nation in honour and in lustre, which  
‘ is famous abroad, and glorious at home, and to live but like such a  
‘ King, as every true English heart desireth their King should be.

‘ Be matters of your own way, settle it so secure and so safe, that it  
‘ may never come to the least benefit and advantage to himself, but  
‘ for the common good, and those necessary ends wherein you shall  
‘ all share in your plenty, peace, honour, and whatsoever any En-  
‘ glish man can glory in.

‘ His Majesty commands me to tell you, You shall propound no-  
‘ thing wherein you may receive all security for the property of  
‘ your goods, and nothing for securing your own Liberties, where-  
‘ in he will not most readily listen unto you; and be as willing to  
‘ grant, as you to ask. His Majesty doth now offer unto you the  
‘ reasons, occasions, and the way to make this the most blessed  
‘ and most happy Parliament that ever was, and that may produce  
‘ such effects, that the King may delight in his people, and the peo-  
‘ ple in their King. And he layeth before you not only the Counsel  
‘ to do so; but he will tell you the way, and that is by putting an  
‘ obligation of trust and confidence upon him, which shall more secure  
‘ you, than all that you can invent; or Fears, or Jealousies can ima-  
‘ gine to be provided for; It is a course that good manners, Duty,  
‘ and reason should require of you, to take into Consideration.

Wednesday

16 Caroli.

Wednesday  
April 22.Mr. Wal-  
ler's  
Speech.

**W**ednesday April 22. Upon the Report made to the House of the Kings Speech in the Banqueting-house yesterday *Edm. Waller* Esq; then a member of the House (and of every Parliament since that time to the Dissolution of the Parliament in the year 1678.) spake as followeth;

*Mr. Speaker,*

**I** Will use no preface as they do who prepare men for something in which they have a particular interest. I will only propose what I conceive fit for the House to consider, and shall be no more concerned in the Event, than they that shall hear me.

Two things I observe in his Majesties demands, First the Supply. Secondly, your speedy dispatch thereof. Touching the first, his Majesties occasions for money are but too evident; for to say nothing how we are neglected abroad and distracted at home, the calling of this Parliament and our sitting here (an effect, which no light cause in these times hath produced) is enough to make any reasonable man believe, that the Exchequer abounds not so much in money, as the State doth in occasions to use it, and I hope we shall appear willing to disprove those, who have thought to dissuade his Majesty from this way of Parliaments, as uncertain; and to let him see it is as ready, and more safe for the advancement of his affairs, than any new or pretended old way whatsoever. For the speedy dispatch required, which was the second thing; not only his Majesty, but *res ipsa loquitur*, the occasion seems to importune no less; necessity is come upon us like an Armed man.

The use of Parliaments heretofore (as appears by the *Writs* that call us hither) was to advise with his Majesty, of things concerning the Church and Common-Wealth.

And it hath ever been the Custome of Parliaments, by good and wholesome Laws to refresh the Common-Wealth in general; yea and to descend into the Remedies of particular grievances, before any mention made of a Supply. Look back upon the best Parliaments, and still you shall find, that the last Acts are for the free gifts of Subsidies on the peoples part, and General Pardons on the Kings part: even the wisest Kings have first acquainted their Parliaments with their designs, and the reasons thereof; and then demanded the assistance both of their Counsel and purses. But Physicians though they be called of the latest, must not stomach it, or talk what might have been, but apply themselves roundly to the Cure; let us not stand too nicely upon Circumstances, nor too rigidly postpone the matter of Supply to the healing of our lighter wounds, let's do what possibly may be done with reason and honesty on our part, to comply with his Majesties desires, and to prevent the imminent Evils that threaten us. But consider, that they who think themselves already undone, can never apprehend themselves in danger, and they that have nothing left can never give freely; nor shall we ever discharge the trust of those that sent us hither, or make them believe that they contribute to their own defence and safety, unless his Majesty be pleased first to restore them to the propriety of their goods and lawful liberties, whereof they esteem



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‘esteem themselves now out of possession. One need not tell you  
‘the propriety of goods is the mother of Courage and the Nurse of  
‘Industry; it makes us Valiant in War, and industrious in peace;  
‘the Experience I have of former Parliaments, and my present obser-  
‘vation of the care the Countrey has had, to chuse persons of worth  
‘and Courage, make me think this House like the *Spartans*, whose  
‘forward Valour required some softer Musick to allay and quiet their  
‘spirits, too much moved with the sound of Martial Instruments.  
‘Tis not the fear of Imprisonment, or (if need be) of Death it self,  
‘can keep a true-hearted English man from the care to leave this  
‘part of his Inheritance as entire to posterity, as he received it from  
‘his Ancestors.

‘This therefore let us first do, and the more speedily, that we may  
‘come to the matter of Supply. Let us give new force to the old  
‘Laws, which have been heretofore for the maintaining of our Rights  
‘and Priviledges, and endeavour to restore this Nation to the fun-  
‘damental and vital Liberties, the propriety of our goods and the  
‘freedom of our persons, no way doubting but that we shall find  
‘his Majesty as gracious and ready as any of his Royal Progenitors  
‘have been to grant our just desires therein; for not only the people  
‘do think, but the wisest do know, that what we have suffered in  
‘this long Vacancy of Parliaments, we have suffered from his Mi-  
‘nisters; that the person of no King was ever better beloved of his  
‘people, and yet that no people were ever less satisfied with the  
‘present wayes of levying moneys. These are two truths which  
‘may serve, the one to demonstrate the other; for such is the oppo-  
‘sition to the present courses, that neither the admiration they have  
‘of his Majesties natural inclination to Justice and Clemency, nor  
‘the pretended consent of the Judges, could make them willingly  
‘submit themselves to this late Tax of *Ship-money*, and such is their  
‘natural Love and just esteem of his Majesties goodness, that no late  
‘preffure could provoke them, nor any example invite them to dis-  
‘loyalty or disobedience; but what is it then, that hath bred this  
‘misunderstanding betwixt the King and his People? how is it that  
‘having so good a King, we have so much to complain of? Why  
‘*Mr. Speaker*; We are told of the Son of *Solomon*, that he was a  
‘Prince of a tender heart, and yet by the advice of violent Counfel-  
‘lors, how rough an answer he gave to his people, *that his finger should*  
‘*be as heavy as his Fathers loyns*: this was not his own, but the voice  
‘of some persons about him that wanted the gravity and moderation  
‘requisite for the Counsellors of a young King. I love not to pres  
‘Allegories too far, but the Resemblance of *Jobs* story with ours  
‘holds so well that I cannot but observe it unto you. It pleased God  
‘to give his Enemy leave to afflict him more than once or twice, and  
‘to take all that he had from him, and yet he was not provoked so  
‘much as to Rebel with his tongue (*although he had no very good ex-*  
‘*ample of one that lay very near him*) and felt not half that he suffered;  
‘I hope his Majesty will imitate God in the benigner part too; he  
‘was severe to *Job* only while he discoursed with another concerning  
‘him; but when he vouchsafed to speak himself to him, he began to  
‘rebuke those who had mistaken and misjudged his case; and to re-  
‘store the patient man to his former prosperity: so now that his Ma-  
‘jesty hath admitted us to his presence, and spoken face to face with

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‘us,

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'us, I doubt not but that we we shall see fairer dayes, be restored again  
'to the possession of our property and liberty, and that his Majesty will  
'frown upon those who have given the ill Counsel.

'I wonder at those that seem to doubt the success of this Parlia-  
'ment, or that the misunderstanding between the King and his Peo-  
'ple should last any longer when now they are so happily met.

'His Majesties wants are not so great, but that we may find means  
'to supply him, nor our desires so unreasonable or incompatible with  
'Government, but that his Majesty might well satisfie them : for  
'our late Experience I hope will teach us what Rocks to shun, and  
'how necessary the use of moderation is ; and for his Majesty, he  
'has had experience enough how that prospers that is gotten without  
'the concurrent good will of his People ; never more money taken  
'from the Subject, never more want in the Exchequer ; if we look  
'upon what has been paid, it's more than usually the People of En-  
'gland were wont to pay in such a time ; if we look upon what  
'has been effected therewith, it shews as if never King had been  
'worle supplied, so that we seem to have endeavoured the filling of  
'a sieve with water ; whosoever gave advice for these Courses, has  
'made good the saying of the wise man, *Qui conturbat domum suam*  
'*possidebit ventum* ; by new wayes they think to accomplish won-  
'ders, but in truth they grasp the wind, and are at the same time  
'cruel to us and to the King too ; for let the Common-wealth flou-  
'rish, and then he that hath the Sovereignty can never want, nor do  
'amiss ; so as he govern not according to the interest of others, but  
'go the shortest and easiest wayes to his own and the common  
'good.

'The Kings of this Nation have alwayes governed by Parliament,  
'and if we look upon the success of things since Parliaments were  
'laid by, it resembles that of the *Grecians*, *Ex illo fluere & retro sub-*  
'*lapsa referri Res Danaum* ; especially on the Subjects parts ; for  
'though the King hath gotten little, they have lost all ; but his Ma-  
'jesty shall now hear the truth from us, and we shall make appear  
'the Errours of Divines, who would perswade us that a Monarch  
'must be absolute, and that he may do all things *ad Libitum* ; rece-  
'ding not only from their text, ( though that be a wandering too )  
'but from the way their own profession might teach them, *Stare super*  
'*viis antiquas* ; and remove not the antient bounds and Land-marks,  
'which our Fathers have set : if to be absolute were to be restrained  
'by no Laws, then can no King in Christendom be so ; for they all  
'stand obliged to the Laws Christian, and we ask no more ; for to this  
'Pillar is our Government fixt ; Our Kings at their Coronation ta-  
'king a Sacred Oath to secure us.

'I am sorry these men take no more care to gain our belief of  
'those things which they tell us for our souls health, while we  
'know them so manifestly in the wrong in that which concerns the  
'liberties and privileges of the Subjects of *England* : but they gain  
'preferment, and then 'tis no matter though they neither believe  
'themselves, nor are believed by others : but since they are so ready  
'to let loose the Consciences of their Kings, we are the more care-  
'fully to provide for our protection against this Pulpit-Law, by de-  
'claring and reinforcing the municipal Laws of this Kingdom. It  
'is worthy the observing how new this opinion, or rather this way  
'of



‘of rising up, even amongst themselves; for Mr. Hooker, who was  
 ‘no refractory man (as they term it) thinks, *that the first Govern-*  
 ‘*ment was arbitrary, until it was found that to live by one mans will, be-*  
 ‘*comes all mens miseries.* These are his words, concluding that  
 ‘*this was the origin of inventing Laws.* And if we look further back,  
 ‘our Histories will tell us that the Prelates of this Kingdom have of-  
 ‘ten been the mediators between the King and his Subjects, to pre-  
 ‘sent and pray redress of their grievances, and had reciprocally then  
 ‘as much love and reverence from the People, but these Preachers  
 ‘(more active than their Predecessors and wiser than the Laws)  
 ‘have found out a better form of Government.

‘The King must be a more absolute Monarch than any of his Pre-  
 ‘decessors, and to them he must owe it, though in the mean time  
 ‘they hazard the hearts of his People, and involve him into a thou-  
 ‘sand difficulties: for suppose this form of Government were incon-  
 ‘venient, (and yet this is but a supposition, for these five hundred  
 ‘years it hath not only maintained us in safety, but made us Victori-  
 ‘ous over other Nations:) But suppose they have another Idea of  
 ‘one more convenient; We all know how dangerous Innovations  
 ‘are, though to the better; and what hazard those Princes must  
 ‘run, that enterprize the change of a long established Government?  
 ‘Now of all our Kings that have gone before, and of all that are to  
 ‘succeed in this happy race, why should so pious and so good a King  
 ‘be exposed to this trouble and hazard? besides that Kings so divert  
 ‘ed, can never do any great matter abroad.

‘But whilst these men have thus bent their wits against the Law  
 ‘of their Country, whether they have neglected their own Pro-  
 ‘vince, and what tares are grown up in the field which they should  
 ‘have tilled, I leave it to a second consideration; not but that Religi-  
 ‘on ought to be the first thing in our purposes and desires, but that  
 ‘which is first in dignity is not always to precede in order of time:  
 ‘For well-being supposes a being, and the first impediment which  
 ‘men naturally endeavour to remove, is the want of those things  
 ‘without which they cannot subsist.

‘God first assigned to Adam maintenance of life, and gave him a  
 ‘title to the rest of the Creatures, before he appointed him a Law to  
 ‘observe. And let me tell you, that if our Adversaries have any  
 ‘such design, as there is nothing more easie than to impose Religion  
 ‘on a people deprived of their liberties, so there is nothing more  
 ‘hard than to do the same upon Free-men.

‘And therefore Mr. Speaker, I conclude with this motion, that  
 ‘there may be an Order presently made, that the first thing this  
 ‘House will consider of, shall be the restoring of this Nation in ge-  
 ‘neral to the fundamental and vital Liberties, the property of our  
 ‘goods, and freedom of our persons; and that then we will forth-  
 ‘with consider of the Supply desired.

‘And thus shall we discharge the trust reposed in us by those that  
 ‘sent us hither. His Majesty will see that we make more than or-  
 ‘dinary haste to satisfy his demands; and we shall let all those know  
 ‘that seek to hasten the matter of Supply, that they will so far delay  
 ‘it, as they give interruption to the former.

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Afterwards the House proceeded to consider of Grievances, and a Committee being appointed to consider of Mr. *Smarts* petition (who was sentenced in the High Commission at *Tork*) complaining of Dr. *Cousins* and others, the report was ordered to be made with all expedition.

The Lords desired a conference with the Commons to meet this afternoon at three of the clock.

A Report was made from the Committee appointed to consider of the Commission to the Convocation that it was not enrolled nor went forth by order from the Signet or Privy Seal but by an immediate command of his Majesty, that they found the Dockets of it remaining with the Clerk of the Crown, by which it appears that by this Commission power is given to alter or amend the old constitutions and Canons, &c.

Thursday,  
April 23.

Thursday April 23. and Friday April 24. was spent in the Debate about Grievances and hearing Reports from Committees, whereupon several votes passed which are hereafter particularly mentioned.

Saturday,  
April 25.

Saturday April 25. The Lords desired a Conference with the Commons, the Subject-matter whereof the Commons conceived to be of a high nature, and so adjourned the debate thereof until Monday following.

Monday,  
April 27.

Monday April 27. Mr. Herbert the *Queens Solicitor General* Reports the matter of the Conference.

‘That it pleased his Majesty to honour the Lords House so much  
‘as to come thither in person, and to make many Gracious expressions; and that he put them in mind, of what had been by my Lord  
‘Keeper in his Majesties Name delivered, first in the Lords House,  
‘and after to both Houses in the Banqueting-house in White-Hall, and  
‘then he gave us his Royal Word and assurance, that he would not  
‘depart from one tittle of that, which in his Majesties name had been  
‘delivered to the House of Commons, but perform it really to the  
‘utmost.

‘He gave us to understand, that the necessity of his affairs was  
‘such as would bear no delay, and a delay would be as good as a denial, both in regard of the affairs themselves, and of the dangers  
‘that did attend them, as well as of his honour in Foreign States  
‘which so much concerned him to uphold, as he held it as dear as his,  
‘life, and of as great importance to maintain.

‘His Majesty did think, that in Civility and good Manners, as well  
‘as necessity, it was fit for him to be trusted first.

‘There must be a Trust, and whether it begin with him or you,  
‘in the execution the total trust must be in him; the difference is  
‘but in point of time; though we trust him in the beginning, yet it  
‘is but in part, he must trust us in all before the end of this Parliament.

‘It is but a present supply that he expects at this time, to go on  
‘with the things in hand, or else all the things which hath been told

‘us



'us will be lost, and that a very little time delayed will make it impossible for my Lords and us, to recover the same.

'That the Lords commanded him to tell us of the necessity of the affairs, and the urgency of the danger of somewhat that is lately come to their knowledge. The War is begun, and the men in Scotland have pitched their Tents at *Dunee*, and threaten an Invasion in *Northumberland*, and have taken some of the Troopers of *Sr. William Brounkards*, so as their intention is plain; besides the letter which may shew their purpose, to put themselves into the protection and Defence of Foreign States.

'The necessity is such, that his Majesty could not transfer the Trust to us, to begin with us, or otherwise he would most willingly let you go on in your own course, to begin with redress of your grievances; but his Majesties necessity requires a present supply for this purpose, after which he will let us go on with our Grievances, and doth promise a Princely and Gracious care, and will relieve you therein, as far as in Justice and Reason you can ask.

'His Majesty did express that he holds nothing so glorious, as that he is King of a rich and free people, and if he do not secure you in your Liberties and property of Estate, he cannot account you a rich and free people, and consequently himself not Glorious: And therefore his Majesty declared, that for those three things Religion, Property of Estate, and Priviledges of Parliament, he would graciously listen unto you.

'For Religion, his heart and his Conscience doth stand with the Religion of the Church of *England*, and as he hath lived in it, so he would dye in it; and no man can be more careful to keep out Innovations than his Majesty will be; and for that purpose he would lay a great charge upon his Archbishops and Bishops, that they should take order accordingly.

'For *Ship-money*, his Majesty declared, it was never in his thoughts, to make the least profit or benefit of it, and that he never did make advantage of it. But contrarily had laid out many thousand pounds out of his own Treasury towards that Defence, for which that was intended, as many of the Lords can witness.

'All his Majesties care and aim was for the preservation of your safety, peace and plenty, and his own honour abroad: That he may Reign among you a great and glorious King, as you ought to desire he should: Therefore think you of any other way for the guard and preservation of the Seas, which (considering the great Naval preparations abroad) doth so much import, that he may be able to maintain a Navy, whereby he may be Moderator and keep Dominion of all the Narrow Seas, without which it is impossible for us to subsist. Keep the Sea which is the way by which God hath enabled his Majesty to protect and defend us; put it into what way you will, his Majesty will joyn with us in it.

'The Lords have taken into consideration his Majesties gracious expression; we have the Word of a King, and as some of the Lords were pleased to say, *not only of a King but a Gentleman*, and they would no more be guilty of distrusting him, than they would be of the highest undutifulness towards him.

'And upon all these considerations, though my Lords would not meddle with matters of Subsidy, which belong properly and naturally

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turally to you, no not to give advice therein, but have utterly declined it; yet being members of one body, Subjects of the same King, and all concerned in the common safety, their duty to his Majesty, and in their zeal and natural love to their Countrey, themselves and their Posterity, they have declared by Vote, that they hold it most necessary and fit that the matter of supply should have the precedence before any other matter or consideration whatsoever, and therefore desired a Conference with you, to let you know their reasons for the same.

This taken into consideration, and done by you, trusting in his Majesties promise, (which they hold the greatest obligation upon him and the greatest security to your selves) they will freely joyn with you in all that concerns matter of Religion, property of Estate, and Priviledge of Parliament. This course being followed, their Lordships are of opinion we shall have a most happy and blessed Parliament.

1. Upon this Report, after long debate, It was *Resolved* upon the Question, That the Priviledges of the House of Commons are violated by the matters propounded by the Lords at the last Conference.

2. Resolved that the Lords propounding a supply, is a breach of Priviledge. And it being referred to a Committee, to prepare heads for a Conference to be had with the Lords concerning that matter, they were agreed on to this effect:

That a message be sent to the Lords, wherein the House desires a Conference with their Lordships upon the subject matter of the Conference on *Saturday* last, which they conceive doth intrench upon the Priviledges of the Commons House.

That at the Conference it being admitted by their Lordships, that matters of subsidy naturally and properly belong to this House, and that their Lordships would not meddle therewith, or give advice therein, but had declined it; the Committee therefore conceives, that this House shall not need to labour therein, or to think of Presidents or reasons, for the maintaining of this Priviledge.

That notwithstanding this Declaration, their Lordships meddled with, and advised concerning both the matter of supply and the time when, and that before such time as the same was moved to them by the Commons. It appears by their Lordships Declaration (*viz.*) that they had Voted, That they held it most necessary and fit the matter of supply should have the Precedence before any other matter or consideration whatsoever; and therefore desired that Conference with the Commons to let them know their Lordships reasons; and that being taken into consideration and done by the Commons, their Lordships would freely joyn with them in all that concerns matter of Religion, property of Estate, and priviledge of Parliament.

The course the Committee doth offer, for repair of this breach of Priviledge is, That their Lordships be desired in their wisdom to find out some way of Reparation of their Priviledges for the present, and of prevention of the like infringement for the future.

And



‘ And whereas the Committee was induced to conceive, that their Lordships had been informed that the Commons upon debate thereof had taken into consideration the matter of Religion, property of Estate, and Priviledges of Parliament, and that they mean to let the same have the precedency before the supply, they humbly offer that the same may be presented to their Lordships in words to this effect.

‘ That in case their Lordships have taken notice of any Orders, or proceedings of the Commons concerning matters of Religion, property of Estate and Privilege of Parliament, that they were to have precedency before the supply, which they seem to conceive by these words, *That this being done, then their Lordships will freely joyn to the avoiding of all mis-understanding between their Lordships and the Commons for time to come* : They desire their Lordships to take no notice of any things which shall be debated by the Commons, until they shall themselves declare the same to their Lordships, which the Commons will always observe towards the proceedings of their Lordships.

After long debate upon this Report, the House did agree with the Committee, and Resolved,

‘ That the Lords Voting the propounding and declaring matter of supply in such sort, as was contained in this Report, before it was moved from the House of Commons, was a breach of the Priviledge of the said House. And the Commons at a Conference with the Lords ( which ensued upon this occasion ) desired their Lordships in their wisdom, to find out some way for the reparation of their Priviledges broken by the matter delivered at the last Conference, and to prevent the like Infringement for the future, and that the Lords would not take notice of any thing which shall be debated by the Commons, until they shall themselves declare the same to their Lordships, which the Commons shall always observe to their Lordships proceedings.

And the manager of the Conference much enlarged himself upon the subject matter contained in the said Report from the Committee, which we here omit, being repeated and answered by the Lords at another Conference which was afterwards had upon this occasion at the desire of the Lords.

**T**uesday the 28th. of April. The Commons upon further Debate resolved on these particulars following, as heads for a Conference to be had with the Lords.

Tuesday,  
April 28.

‘ First, concerning Innovation in matters of Religion. Secondly, Liberty and Property. Thirdly, Priviledge of Parliament.

‘ First, As to Innovation in matters of Religion: that in this Conference with the Lords, there shall be a Protestation and saving made to preserve and keep entire the Right of the Commons not to be bound by any Canons that are or should be made upon any Commission granted to the Convocation without their consent in Parliament; and that there be also represented to the Lords, the Complaints

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‘plaints arising from the several Petitions brought in by the several  
‘Members of the House from divers Counties, against Innovations in  
‘matters of Religion.

‘The Complaints which have been made to this house for publishing of Popish Tenets contrary to the Doctrine of the Church  
‘of *England* in Licenced Books, Arguments and Disputations.

‘The removing of Communion Tables in Parish Churches and  
‘Chapels in the Universities, and placing them Altar-wise at the East  
‘end of the same Churches and Chapels close to the Wall.

‘The setting up of Crosses, Images, and Crucifixes in Cathedrals  
‘and Parochial Churches and Chapels in both the *Universities*, and  
‘in divers other places in this Kingdom.

‘The refusing to administer the Sacrament to such, as will not  
‘come up to the Rails before the Communion Table being set Altar  
‘wise, and Excommunicating some for not doing it.

‘The making and enjoying of Articles at Visitations without any  
‘other Authority, than that of the Bishop’s of the Diocess.

‘The molesting, suspending and depriving of many Godly and  
‘Conformable Ministers for not yielding to matters enjoyed without  
‘Warrant of Law. And to instance in such contained in the  
‘several Petitions, as have been deprived for not reading the Book of  
‘Recreations on the Lords Day.

‘The enjoying to bow to the Altar, and the enquiry of the doing  
‘and not doing of it.

‘Secondly, As to Property of Goods. Resolved, That one  
‘head of this Conference shall be the Complaints which have been  
‘made by the Petitions from the several Counties touching the multitude  
‘of *Monopolies* and restraint of Trade. Also the Complaints  
‘which have been made by several Petitions from the Counties,  
‘touching the grievances of *Ship-Money*.

‘The Complaints which have been made by several Petitions from  
‘the Counties, of enlarging the *Bounds of Forests* beyond what they  
‘have been for some hundreds of years last past.

‘The Complaints which have been made concerning *Military*  
‘Charges, viz. Coat and Conduct-money, Wages, and Armes taken  
‘from the owners, forcing the Countrey to buy and provide at their  
‘charges, Horses and Carts by way of Tax.

‘The Complaints which have been made concerning the *Denial*  
‘of Justice in the Courts of *Westminster* to the Subjects prejudice in  
‘point of the property of their Goods.

The frequent *Imprisonments* and Vexations, for non-payment of  
‘unwarrantable Taxes, and for not submitting to unlawful *Monopolies*.

‘Thirdly, As to the *Liberty and Priviledge of Parliament*, Resolved,  
‘That one head shall be the Complaints that have been made  
‘touching the punishing of men out of Parliament for things done  
‘in Parliament, in breach of the Priviledges of Parliament.



In Pursuance of these Votes, a Conference was accordingly had with the Lords on *Wednesday April 29.* 16 *Carolt.*

**T**He first part of which Conference concerning Innovations in matters of Religion, was managed by Mr. *Pym*; the second part as to Property of Goods and against Monopolies and Projects, was managed by Mr. *St. John*; and the third part of the Conference as to the Liberty and Priviledge of Parliament, was managed by Mr. *Holborn*, which held the Lords a long time in hearing.

**A**fterwards was read in the House,  
An Act concerning the Hearing of the Word of God.  
An Act for Reformation of Abuses in Elections.  
An Act concerning Disposing of Money for Commutation of Penance.  
An Act concerning the granting of Letters of Administration, &c.

**T***hursday, April 30.* the House was turned into Grand Committee concerning *Ship-money*, upon a Report made of that business by Mr. *Maynard*: and the Records where the Judges opinions were entered, were ordered to be sent for. *Thursday, April 30.*

In the midst of this Debate, the Lords sent to the Commons for a Conference, concerning the subject of the former Conference; The House was divided, whether to yield to a present Conference or no: The greater part seeming to be unwilling to be diverted from the Debate of the Grand Business of *Ship-money* then under consideration.

It was a full House; for upon the Division, there were for a present Conference 148. and against it 257. the Number in all being 405 Members. 405. Members then present in the House.

This Division of the House fully discovered the temper thereof; for they that were against the present Conference were for Redress of Grievances forthwith, and to postpone supply. But this Dayes Debate produced no Resolution.

**F***riday, May 1.* the Commons gave the Lords a meeting at a Conference, as was desired the day before: the matter of the Conference was thus delivered by the *Lord Keeper*. *Friday, May 1.*

**M***Y* Lords have commanded me to let you know, that the desire and care on your part at the last Conference, represented unto them for preserving a good Union and Correspondence between their Lordships and you, is by them entertained with all respect, and requited with all good affection; as that which is the best way to bring our Consultations and Resolutions to an happy issue, to give his Majesty a dutiful account of our zeal and forwardness in those great and weighty affairs, for which we were assembled; and to further those United Proceedings that may tend to the happiness of this Kingdom, and the contentment of both Houses. The Lord Keeper's Speech.

‘Their Lordships well know the great priviledges belonging to both Houses of Parliament, of which they and you alike participate: and they are not ignorant of those that are distinctly proper  
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‘to each House : what belongs to you of the House of Commons  
 ‘they never had thought to impeach or diminish in the least kind ;  
 ‘and what they may justly challenge to themselves, they presume  
 ‘you will not attempt upon, since you cannot doubt but they will be  
 ‘as tender of their Honour in the preservation and upholding of  
 ‘their own, as they are and shall be careful not to invade or violate  
 ‘any of yours.

‘This (their Lordships commanded me to tell you) will best  
 ‘and most clearly appear, by the Course hath been held in their own  
 ‘House, and by their proceedings with you.

‘Their Lordships (as in Duty and affection to his Majesties  
 ‘Crown and Government they are bound) took into serious Consi-  
 ‘deration, the great and weighty motives of his Majesties calling  
 ‘us together at this time, the great Evils and Calamities that hang  
 ‘over our Heads, and the apparent danger this Kingdom is like to  
 ‘run into, if by speedy and fitting supply his Majesty be not enabled  
 ‘to prevent it.

‘These with Reasons inforcing, how unsupportable Delay and  
 ‘Protraction was, and how impossible it is for both Houses to re-  
 ‘cover the loss of time, in a matter of so urging and pressing Conse-  
 ‘quence, whereby his Majesties Command delivered to their Lord-  
 ‘ships and you both in the Lords House and in the *Banqueting House*  
 ‘at *White-Hall*, his Majesty being present ;

‘His Majesty I say at both those times, expressed his gracious and  
 ‘Princely desire to do all that from a just and a gracious King might  
 ‘be expected, whereby this Parliament might have an happy and  
 ‘blessed conclusion, to bring Joy and Consolation to his Majesty and  
 ‘all his subjects. He told you, that all your just Grievances should  
 ‘be graciously heard and relieved ; that he would therein let you be  
 ‘at no loss of time.

‘Their Lordships were Witnesses, that his Majesty gave *his Royal*  
 ‘Word herein, and for their parts lodge it in their hearts with as  
 ‘much trust and confidence of his Majesties Royal performance, as  
 ‘ever subjects did.

‘Not long after, his Majesty was pleased to honour the Lords  
 ‘House with his presence again, to renew their Remembrance of  
 ‘all that before had been delivered to both Houses, both for the ne-  
 ‘cessity of the Supply desired, with an impossibility of admitting  
 ‘delay, and the clearness of his Majesties intention and resolutions  
 ‘to give all just satisfaction, to what with reason could be desired  
 ‘of him.

‘His Majesty then took notice to their Lordships of somewhat  
 ‘that had been Voted in your House concerning Religion, Property  
 ‘of Goods, and Liberty of Parliament, whereby his Majesty con-  
 ‘ceived the matter of his Supplies set aside, which he had so often  
 ‘and with such weight of Reason desired might have precedence,  
 ‘after very gracious assurances to their Lordships of his Majesties  
 ‘constant affection and zeal for the true Religion, for preventing  
 ‘all Innovation therein, of his so often iterated promise to give a  
 ‘gracious Ear and just Relief to all your just Grievances, expressing  
 ‘his Royal Intentions in that of *Ship-money*, which he found so much  
 ‘stood upon. He was pleased to desire their Lordships, (as persons  
 ‘in their Ranks and Degrees nearest to him in Honour, as much and  
 ‘more



'more concerned than others, and in the safety and prosperity of his Kingdom, at least equally interested with the rest of his subjects) in a case of this great and important weight.

'They would by their counsel and perswasion, incline you of the House of Commons to give his Majesty a speedy answer and resolution in the matter of supply.

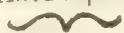
'Their Lordships took his Majesties Desire into serious and dutiful consideration, and after a great and solemn Debate, they resolved, that their opinion was, *That the matter of his Majesties supply should have precedency, and be resolved of before any other matter whatsoever*; and did think fit, there should be a conference desired with you of the House of Commons, to dispose you thereunto. And this was all they then Voted or concluded, with which other Conference their Lordships acquainted you: This as it was just and honourable for them to do, so it neither extended the Bounds and Limits of their own priviledge, nor narrowed or straitned any of yours. And yet at the last Conference which their Lordships are apt and willing to believe, proceeded rather from some mistaking than any intension to lessen their, or enlarge your own priviledges.

'It was urged in your name, that the Voting of this was a breach of your priviledge, and that therein their Lordships had been transported beyond their grounds, which they had set to themselves: because in their former Conference their Lordships had admitted, that matter of supply ought to be given in the House of Commons, as naturally belonging to that House, and wherein their Lordships would not meddle, no not so much as to give advice: And yet by Voting what they did, had not only medled in matter of supply, but as far as in their Lordships lay, had concluded both of matter and order of proceeding, for which you demanded Reparation from their Lordships: Wherein I'm commanded by their Lordships to let you know, that they have neither varied nor been transported from their own grounds, nor Voted any thing contrary to your rights and priviledges, or to that admitting of them at that Conference, which is pretended. For their Lordships did and I do admit, that the Bill of Subsidies ought to have its Inception and beginning in your House, that when it comes up to their Lordships, and is by them agreed unto, it must be returned back to you, and be by your Speaker presented.

'And therefore as they do disclaim any thought or Intention of such beginning in their House, so they did at their Debate and Conference with you, disclaim to meddle with the matter of Subsidies or Supplies; that is by naming the Time or Number, or any such Circumstances incident to the Bill, which ought to begin with you, or therein to give you any the least advice, but to confer and talk with you about Supplies in general.

'Their advice therein they do not, nor ever did hold derogatory to yours, or exceeding the priviledges of their own House: for as you frequently impart your Grievances to them, so it's all the reason in the world they should communicate their fears and fore-sights of Dangers to you, their Lordships being a Body that moveth in an Orb nearer unto the Royal Throne than you do, and thereby the likelier to communicate in the Counsels and Secrets of  
 'State,

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‘State, and for their Persons and Fortunes, at least as considerable  
‘in point of Danger.

‘Their Lordships are not unacquainted with that Establishment  
‘in Parliament, which was by you at the Conference styled, *The*  
‘*Indemnity of the Commons*: but it is indeed the *Indemnity* of the  
‘Lords and Commons, and so styled in the Record it self, by that  
‘Record made at *Glocester* 9 H. 4.

‘It appears there was a Conference between the Lords and Com-  
‘mons, about the State of the Realm and Defence of it, after which  
‘the King demanded of the Lords, What Aid was fit to be granted?  
‘they said a Tenth and an half in Cities and Boroughs, and one Fifth  
‘and a half of others, and a Subsidy of *Tonnage* and *Poundage* for  
‘two years.

‘Upon which, the King sent to the Commons to send up to him  
‘and the Lords, twelve of their company; when they came, it was  
‘by the Kings Command declared, what had been of the King de-  
‘manded of the Lords, and what the Lords answer thereunto was  
‘(which the King willed them to report to their Companions, that  
‘they might with better speed conform themselves to the intention of  
‘the Lords.)

‘This indeed the Commons were troubled at, as being a great  
‘Derogation to their Liberties; whereupon to prevent for the fu-  
‘ture any thing that might turn to the prejudice of their Liberty,  
‘or against the Liberty of the Lords, It was established, *That it*  
‘*should alwayes be lawful for the Lords to commune among themselves in*  
‘*the Kings absence of the State of the Realm, and the Remedies need-*  
‘*ful; and so for the Commons among themselves. Provided alwayes,*  
‘*that neither the Lords or Commons report to the King anythings granted*  
‘*by the Commons and assented to by the Lords, nor the Communication of*  
‘*it, before the Lords and Commons be agreed, and then be represented*  
‘(as the manner is) by the Speaker of the House of Commons.

‘This is the substance of that Establishment, which only hath re-  
‘lation to the manner of presenting Subsidies and Aids to the King,  
‘and giving him knowledge of them. And as it hath not one word  
‘that bars the Lords and Commons from conferring about them;  
‘so it plainly declares, that Lords and Commons in their severall  
‘houses, may equally treat amongst themselves of the Dangers the  
‘Kingdom is in, and of the way to remedy them: and this my  
‘Lords have well weighed, and are satisfied verifies their proceedings  
‘to have been according to antient usage and custome, as they are  
‘grounded upon just and weighty reasons.

‘Many other Reasons their Lordships have, to justify their pro-  
‘ceedings in this particular: but they conceive this Record alone  
‘mentioned by your self, will give you herein abundant satisfacti-  
‘on, and plainly shew, that the House of Commons had no cause to  
‘demand Reparation herein from their Lordships.

‘A second thing objected, wherein their Lordships have been  
‘said to have broke another great priviledge of the House of Com-  
‘mons established by that Ordinance which I have mentioned be-  
‘fore, is, that their Lordships have taken notice of some procee-  
‘dings in the House of Commons, concerning three particulars,  
‘*viz.* Religion, Propriety of Goods, and Priviledge of Parliament. To  
‘which their Lordships have commanded me to give you this just  
‘and honourable answer.

His



‘His Majesty told their Lordships you had resolved something concerning these three heads, and by that way of proceeding preferred the grievances before the matter of supply. Now his Majesty knew that you had so resolved, belongs not to their Lordships to enquire into, *their Lordships not meddling* with any thing that others said to the King. But withal his Majesty said to their Lordships, and for their Lordships to hear what *his Majesty declared to them*, and for them thereupon to report the same to the House of Commons, their Lordships are so far from holding it any diminution, or violation of your privileges, that on the contrary in Duty to his Majesty they could do no other, and the communicating it to you in that manner, they think rather merits your opinion and belief of their affections to you, and desire of Correspondence with you, than any other misconstruction whatsoever.

‘And that which you called the *Indemnity of the Commons*, hath no word in it that can be construed to make that any breach of your privilege; and therefore their Lordships having thus cleared and justified their own proceedings, and freed themselves from any Imputation of invading your Liberties, they cannot but return to their first grounds and resolution, which were in all fair and affectionate manner, to stir up in you the just consideration of those great and eminent dangers that threaten this Kingdom at this time, and how dangerous and irrecoverable delay is. And withal to dispose you to take into your first and best thoughts the matter of his Majesties Supply, and give him a speedy answer therein.

‘This their Lordships are confident, will be the means to preserve and continue a good union and understanding between their Lordships and you, to make this a happy Parliament, and to avert the publick calamities, that menace the ruine and overthrow of this famous and renowned Monarchy.

Saturday May 2. Sir Henry Vane Treasurer of the Kings Household delivered this message from the King.

**T**hat his Majesty hath by divers and sundry wayes acquainted the House with the urgent danger, inevitably to fall upon the whole State, upon his own honour, and the honour of the Nation if more time shall be lost.

Saturday,  
May 2.

That nevertheless his Majesty hath received no answer at all, though heretofore his Majesty had told the House that a Delay in this case is as destructive as a Denyal; and doth again desire them to give him a present answer concerning his supply, his Majesty being still resolved on his part, to make good his promise made by himself and the Lord Keeper.

Upon the delivery of this Message, the House of Commons immediately turned themselves into a Grand Committee to take the same into consideration, which held debate till almost six at night, but came to no resolution, *William Lenthall Esq;* being in the Chair.

Likewise the House of Commons continued the Debate in a Grand Committee, Whether Supply or Grievances should have precedency? but after the whole day was spent in Debate, came to no resolution.

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May 4. Sir Henry Vane delivered a second Message to the House of Commons in these words.

Monday,  
May 4.

**W** Hereas, upon Saturday last his Majesty was pleased to send a Message to this House, desiring you to give a present answer concerning his Supply, to which as yet his Majesty hath had no other answer, but that upon this day you will again take it into further consideration: Therefore his Majesty (the better to facilitate your Resolutions) this day hath thought fit to let you know, that of his Grace and favour he is pleased, upon your granting twelve Subsidies to be presently passed and to be paid in three years, with a proviso, that it shall not determine the Sessions, his Majesty will not only for the present forbear the levying of any Ship Money, but will give way to the utter abolishing of it, by any course that your selves shall like best.

And for your Grievances, his Majesty will (according to his Royal promise) give you as much time as may be now, and the next Michaelmas; and he expects a present and positive answer upon which he may rely, his affairs being in such a condition as can endure no longer delay.

The House was turned again into a Grand Committee, and spent the whole day till six at night in debate of this message, but came to no resolution, and desired Sir Henry Vane to acquaint his Majesty that they intended the next day to proceed in the further consideration thereof.

Tuesday,  
May 5.

**T**uesday the fifth of May, Secretary Windebanke went early to Mr. Speaker at his house in Chancery Lane, and had a command to bring the Speaker to White-Hall. The Commons met at the usual hour, and the Speaker not coming according to his wonted custom, the members concluded the House should be dissolved, and while they were discoursing with one another, about eleven of the Clock James Maxwel Gentleman Usher came with the black rod, to let the Commons know his Majesty was in the House of Lords, and expected their coming thither. When they were come his Majesty thus spake.

My Lords,

The Kings  
Speech.

**T**here can no occasion of my coming to this House be so unpleasing unto me as this at this time. The fear of doing that which I am to do this day, made me not long since come into this House, where I express as well my fears as the remedy which I thought necessary for the eschewing of what is to follow.

I must confesse and acknowledge that you my Lords of the higher house did give me so willing an ear, and with such an affection did shew your selves, that certainly I may say, that if there had been any means to have given an happy end to this Parliament, you took it, so that it was neither your Lordships fault nor mine, that it is not so. Therefore in the first place I must thank you my Lords for your good endeavours.

My Lords, I hope you remember what the first day of the Parliament my Lord Keeper said to you in my name, and what likewise he said in the

Ban-



Banquetting House in White-Hall, and what lately I said unto you in this place my self. I name all this unto you, not doubting that you do not well remember it, but to shew you that I never said any thing in way of Favour to my people, but (by the Grace of God) I will punctually and really perform it.

I know that they have insisted very much on Grievances; I will not say but there may be some, though I will confidently assure, that there are not by many degrees so many as the publick voice doth make them. Wherefore I desire you to take notice, now especially at this time, that out of Parliament I shall be as ready (if not more willing) to hear and redress any just Grievances, as in Parliament.

There is one thing much spoken of, I mean as to matters of Religion. Concerning which, albeit I expressed my self fully the last day in this place, yet I think it fit again on this occasion to tell you, that as I am concerned, so I shall be most careful to preserve that purity of Religion which I thank God is so well established in the Church of England, and that as well out of, as in Parliament.

My Lords, I shall not trouble you long with words, it being not my fashion; wherefore to conclude, what I offered the last day to the House of Commons, I think it is very well known to you all; as likewise how they accepted it, which I desire not to remember, but wish they had remembered, how at first they were told by my Lord Keeper, that delay was the worst kind of denial; yet I will not lay this fault on the whole House of Commons; I will not judge so uncharitably of those whom for the most part I take to be Loyal and well-affected Subjects, but it hath been the malicious cunning of some few seditiously affected men that hath been the cause of this misunderstanding.

I shall now end as I have begun, in giving you thanks for your affections shewn to me at this time, desiring you to go on and assist me in the maintaining of that Regal power that is truly mine. As for the liberty of the people, that they now so much startle at; know my Lords, that no King in the world shall be more careful in the propriety of their Goods, liberty of their Persons, and true Religion, than I shall.

And now my Lord Keeper do as I have commanded you.

The Lord Keeper then added,

‘**M**Y Lords, and you the Gentlemen of the House of Commons, The Kings Majesty doth dissolve this Parliament.

Soon after his Majesty caused the aforesaid proceedings to be comprized in a Treatise, and published in his name by way of Declaration.

A<sup>d</sup>. 1640.

*A Catalogue of the Lords Spiritual and Temporal summoned by the King's Writ to appear in Parliament appointed to meet at Westminster the thirteenth of April 1640.*

**K**ING Charles.  
Prince Charles.  
James Duke of York.

*Dukes.*

George Villiers, Duke, Marquesse, and Earl of Buckingham, and Coventry, Viscount Villiers, Baron of Whodden, *infra atatem*.

*Marquesses.*

John Pawlet Marquess of Winchester, Earl of Wiltshire, and Lord St. John of Basing.

*Earles.*

Thomas Howard Earl of Arundel and Surrey, Earl Marshal of England and Knight of the Garter.

Ambery Vere, Earl of Oxford, &c. Algernon Percy, Earl of Northumberland, Lord Poynings, Fitzpayn, and Brian, Knight of the Garter, Lord High Admiral.

George Talbot, Earl of Shrewsbury, Lord Talbot, Furnival, Verdon, and Strange of Blackmere.

Anthony Gray Earl of Kent, Lord Ruthin.

William Stanley Earl of Derby, Lord Stanley, Strange of Knocking, and of the Isle of Man, Knight of the Garter.

Henry Somerset Earl of Worcester, Lord Herbert Ragland and Gower.

George Manners Earl of Rutland, Lord Ross of Hamelake, Belvoir and Trusbut.

Francis Clifford Earl of Cumberland, Lord Clifford, Westmerland and Vesey.

Edward Ratcliffe Earl of Sussex, Viscount Fitz-walter, Lord Egremont and Burnel.

Henry Hastings Earl of Huntingdon, Lord Hastings, Hungerford, Botreaux Moeles, and Molyms.

Henry Bouchier Earl of Bath, and Lord Fitz-Warin.

Tho. Wriothsley Earl of Southampton, and Baron Wriothsley of Tichfield.

Francis Russel Earl of Bedford and Lord Russel.

Philip Herbert Earl of Pembroke and Montgomery, Baron Herbert of Cardiffe and Shirland, Lord Parre and Ross of Kendal, Marmion, and St. Quinton, Lord Chamberlain of his Majesties household and Knight of the Garter.

William Seymour Earl of Hartford, and Baron Beauchamp.

Robert Devereux Earl of Essex, Viscount Hereford and Bouchier, Lord Ferrers of Chartley, Bouchier and Lovain.

Theophilus Fyne Earl of Lincoln and Lord Clinton.

Charles Howard Earl of Nottingham, and Lord Howard of Effingham.

*Earles made since the first of King James.*

Theophilus Howard Earl of Suffolk, Lord Howard of Walden, and Knight of the Garter.

Edward Sackville Earl of Dorset and Baron Buckhurst, Knight of the Garter, and Lord Chamberlain to the Queens Majesty.

William Cecil Earl of Salisbury, Viscount Gramborne and Baron

*Cecil*



*Cecil of Effinden*, Knight of the Garter.

*William Cecil* Earl of Exeter; Baron Burgeley, Knight of the Garter.

*Robert Carre* Earl of Somerset, Viscount Rochester and Baron of Branspath, Knight of the Garter.

*John Egerton* Earl of Bridgwater, Viscount Brackley, and Baron Ellesmere, Lord President of Wales.

*Robert Sidney* Earl of Leicester, Viscount Lisle, Baron Sidney of Fenhurst.

*Spencer Compton* Earl of Northampton, Baron Compton of Compton.

*Robert Rich* Earl of Warwick, and Lord Rich of Leeze.

*William Cavendish* Earl of Devonshire and Baron Cavendish of Hardwicke *infra atatem*.

*James Hamilton* Earl of Cambridge, Marquess of Hamilton, Earl of Arran, Baron of Even and Aberbroth, Master of the Horse to his Majesty, Knight of the Garter.

*James Stuart* Earl of March, Duke of Lenox, Lord Aubigny, Baron of Leighton Bromfivold, Lord Darnley, Mertiven, and St. Andrews, Knight of the Garter.

*James Hay* Earl of Carlisle, Viscount Doncaster, Lord Hay of Sauley.

*William Fielding* Earl of Denbigh, Viscount Fielding, and Baron of Newnhamadox.

*John Digby* Earl of Bristol, and Baron Digby of Shirborne.

*Lionell Cranfield* Earl of Middlesex, and Baron Cranfield of Cranfield.

*Charles Villiers* Earl of Anglesey, Lord Daventry, *infra atatem*.

*Henry Rich* Earl of Holland, Baron Kensington of Kensington, and Knight of the Garter.

*John Hollis* Earl of Clare, Lord Houghton of Houghton.

*Oliver St. John* Earl of Bellin-

brook, Lord St. John of Bletso. *Mildmay* Fane Earl of Westmerland, Lord le Despencer and Burghwash.

*Earles made since the first of King Charles.*

*Henry Montague* Earl of Manchester, Viscount Mandevile, and Lord Kimbolton, Lord Privy Seal.

*Thomas Howard* Earl of Barkshire, Viscount Andover, and Lord Charleton, Knight of the Garter.

*Thomas Wentworth* Earl of Cleeve-land, Lord Wentworth of Nettlested.

*Edmond Sheffield* Earl of Mulgrave, Lord Sheffield of Butterwike, and Knight of the Garter.

*Henry Danvers* Earl of Danby, Lord Danvers of Dantsey, Knight of the Garter.

*Robert Cary* Earl of Monmouth, Lord Cary of Lepington.

*James Ley* Earl of Marleburgh, and Lord Ley of Ley.

*John Savage* Earl Rivers, Viscount Colchester, and Rock Savage, and Lord Darcy of Chich.

*Robert Bartue* Earl of Lindsey, and Lord Willoughby of Eresby, Lord great Chamberlain, Knight of the Garter.

*William Cavendish* Earl of Newcastle, Viscount Mansfield, Lord Boulsover and Ogle.

*Henry Cary* Earl of Dover, Viscount Rochford and Lord Hunsdon.

*John Mordant* Earl of Peterborough, Lord Mordant of Turvey.

*Henry Gray* Earl of Standford, Lord Gray of Groby, Bonville and Harrington.

*Thomas Finch* Earl of Winchelsey and Viscount Maidstone.

*Robert Perpoint* Earl of Kingston upon Hull, Viscount Newark

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upon *Trent*, and Lord *Perpoint* of *Holmes Perpoint*.  
*Robert Dormere* Earl of *Carnarvan*, Viscount *Ascot*, and Lord *Dormere* of *Wing*.  
*Mount-joy Blunt* Earl of *Newport*, Lord *Mount-joy* of *Thurveston*.  
*Philip Stanhop* Earl of *Chesterfield*, and Lord *Stanhop* of *Shelford*.  
*Nicholas Tuffton* Earl of the Isle of *Thanet*, and Lord *Tuffton* of *Tuffton*.  
*Clicke de Burgh* Earl of *St. Albans*, and *Clanrickard*, Viscount *Tunbridge* and *Galloway*, Baron of *Somerhil*, and *Imanney*.  
*Jerome Weston* Earl of *Portland*, Lord *Weston* of *Neyland*.  
*Thomas Wentworth* Earl of *Strafford*, Viscount *Wentworth*, Baron *Wentworth* of *Wentworth woodhouse*, *New-march* and *Oversley*, *Raby*, Lord Lieutenant of the Realm of *Ireland*.

## Viscounts.

*Francis Brown* Viscount *Mountague* of *Cowdrey*.

## Viscounts made by King James.

*John Villiers* Viscount *Purbeck*, Lord of *Stoke*.  
*William Fines* Viscount *Sey* and *Seal*, Lord *Sey* and *Seal*.

## Viscounts made by King Charles.

*Edward Conway*, Viscount *Conway* and *Killultagh*, and Baron *Conway* of *Ragley*.  
*Edward Noel* Viscount *Camden* and Baron *Noel* of *Ridlington*.

## Bishops.

*William Laud* Archbishop of *Canterbury* his Grace.  
*Richard Neile* Archbishop of *York* his Grace.  
*William Juxton* Bishop of *London*

and Lord high Treasurer of *England*.

*Thomas Morton* Bishop of *Durham*.

*Walter Curle* Bishop of *Winchester*.

*John Thurnburgh* B. of *Worcester*.

*John Bridgeman* B. of *Chester*.

*John Williams* B. of *Lincoln*.

*John Davenant* B. of *Salisbury*.

*Robert Wright* B. of *Coventry* and *Lichfield*.

*Godfrey Goodman* B. of *Gloucester*.

*Joseph Hall* B. of *Exceter*.

*Richard Mountague* B. of *Normich*.

*Barnabas Potter* B. of *Carlisle*.

*John Owen* B. of *St. Asaph*.

*William Pierce* Bishop of *Bath* and *Wells*.

*John Bancroft* B. of *Oxford*.

*George Coke* B. of *Hereford*.

*Matthew Wren* B. of *Ely* Dean of his Majesties Chapel Royal.

*Roger Mamwaring* B. of *St. Davids*.

*Robert Skinner* B. of *Bristol*.

*William Roberts* B. of *Bangor*.

*John Warner* B. of *Rochester*.

*Brian Duppa* B. of *Chichester*.

*John Towers* B. of *Peterburgh*.

*Morgan Owen* B. of *Landaffe*.

## Barons.

*Henry Howard* Lord *Moubray* and *Maltravers*.

*Henry Clifford* Lord *Clifford*, only Son of *Francis* Earl of *Cumberland*.

*Henry Nevil* Lord *Abergavenny*.

*James Tench* Lord *Ardeley* of *Higleigh*.

*James Stanley* Lord *Strange*, eldest Son of *William* Earl of *Derby*.

*Charles West* Lord *Delaware*, *infra* atatem.

*George Berkley* Lord *Berkley* of *Berkley Castle*.

*Henry Parker* Lord *Morley* and *Monteagle*.

*Richard Lemcard* Lord *Dacres* of *Hurstmofoeux*.

*Edward Sutton* Lord *Dudley* of *Dudley Castle*.

Edward



Edward Stourton Lord Stourton of Stourton.

Edward Vaux Lord Vaux of Harroden.

Thomas Windsor Lord Windsor of Bradenham.

Thomas Cromwel Lord Cromwel of Ockham.

William Eure Lord Eure of Whitton.

Philip Wharton Lord Wharton of Wharton.

William Willoughby Lord Willoughby of Parham.

William Paget Lord Paget of Beaudefert.

Dudley North Lord North of Carthage.

George Bridges Lord Shandos of Sudley.

Barons made by King James.

William Peter Lord Peter of Writtel.

Dutton Gerrard Lord Gerrard of Gerrards Bromley.

William Spencer Lord Spencer of Wormleighton.

Charles Stanhope Lord Stanhope of Harrington.

Tho. Arundel Lord Arundel of Wardour.

Christopher Roper Lord Tenham of Tenham, *infra etatem*.

Edward Mountague Lord Mountague of Kimbolton, eldest Son of Henry Earl of Manchester.

Basil Fielding Lord of Newnham Padochs, Eldest Son of William Earl of Denbigh.

Robert Grevil Lord Brook of Beaucham Court.

Edward Mountague Lord Mountague of Boughton.

William Gray Lord Gray of Wark.

Francis Leake Lord Danecourt of Sutton.

John Roberts Lord Roberts of Truro.

Barons made by King Charles.

William Craven Lord Craven of Hamstead Marshal.

Thomas Belasis Lord Fauconberge of Sarom.

John Lovelace Lord Lovelace of Hurley.

John Pawlet Lord Pawlet of Hinton St. George.

William Harvey Lord Harvey of Kidbrooke.

Thomas Brudenel Lord Brudenel of Stouton.

William Maynard Lord Maynard of Estaynes.

Thomas Coventry Lord Coventry of Alesborough.

Edward Howard Lord Howard of Estricke.

George Goring Lord Goring of Hastingpoint.

John Mohun Lord Mohun of Okehampton.

Thomas Savil Lord Savil of Pontefract.

John Butler Lord Butler of Bramfield.

Francis Leigh Lord Dunsmore.

William Herbert Lord Powis of Powis.

Edward Herbert Lord Herbert of Chierbury.

Francis Cottington Lord Cottington of Hamworth, Master of the Court of Wards, and Chancellour of the Exchequer.

John Finch Lord Finch, Baron of Fordwich, Lord Keeper of the Great Seal of England.

Some Lords (as Privy Counsellours) though not Peers of the Kingdom of England, such as the King shall be pleased to call thither for their assistance, and sit on the Wool-facks.

Judges.

St. John Bramston Lord Chief Justice of the Kings Bench.

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Sir

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Sir Edward Littleton Lord Chief  
Justice of the Common Pleas.

Sir Humphrey Davenport Lord  
Chief Baron.

The Judges of the Kings Bench.

The Judges of the Common  
Pleas.

The Barons of the Exchequer.

The four Masters of the Chan-  
cery there attending, accord-  
ing to the direction of the  
Lord Keeper of the Great  
Seal of England.

The Kings learned Council.

The Serjeants.

Sir John Bankes the King's Attor-  
ney General.

*The Officers of the higher House of  
Parliament.*

The Clerk of the Crown.

The Clerk of the Parliament.

The Usher.

The Yeoman Usher.

*His Majesties Declaration to all his loving Subjects, of the Causes  
which moved him to dissolve the last Parliament.*

THE King's most Excellent Majesty well knoweth, that the calling, adjourning, proroguing and dissolving of Parliaments, are undoubted prerogatives inseparably annexed to his Imperial Crown; of which he is not bound to render any account, but to God alone, no more than of his other Regal Actions,

Nevertheless his Majesty (whose Piety and Goodness have made him ever so order and govern all things) that the clearness and candor of his Royal Heart may appear to all his Subjects, especially in those great and publick matters of State, that have relation to the Weale and Safety of his People, and the Honour of his Royal Person and Government, hath thought fit (for avoiding and preventing all sinister constructions and mis-interpretation, which the malice of some ill-affected persons to his Crown and Sovereignty, hath or may practise to infuse into the minds and Ears of his good and faithful Subjects,) to set down by way of Declaration, the true causes as well of his assembling as of his dissolving the late Parliament.

It is not unknown to most of his Majesties loving Subjects, what Discouragements he hath formerly had, by the undutiful and seditious carriage of divers of the lower House in preceding Assemblies of Parliaments, enough to have made him averse to those ancient and accustomed wayes of calling his People together; when instead of dutiful expressions towards his Person and Government, they vented their own malice and disaffections to the State, and by their subtil and malignant courses endeavoured nothing more than to bring into contempt and disorder all Government and Magistracy.

Yet his Majesty well considering that but few were guilty of that seditious and undutiful behaviour, and hoping that time and Experience had made his loving Subjects sensible of the distemper the whole Kingdom was like to be put into by the ill-governed actions of those men; And his Majesty being over-desirous to tread in the steps of his most noble progenitors, was pleased to issue forth his *Writs* under the Great Seal of England for a Parliament, to be holden the



13th day of April last. At which day his Majesty by the Lord Keeper of his Great Seal, was graciously pleased to let both Houses of Parliament know how desirous he was, That all his People would unite their hearts and affections in the execution of those Counsels that might tend to the Honour of his Majesty, the safety of his Kingdoms, and the good and preservation of all his People. And withal how confident he was that they would not be failing in their Duties and Affections to him and to the publick.

He laid open to them the manifest and apparent mischiefs threatened to this and all his other Kingdoms, by the mutinous and rebellious behaviour of divers of the *Scottish* Nation, who had by their Examples drawn many of his Subjects there into a course of Disloyalty and Disobedience, not fit for his Majesty in Honour, safety, or Wisdom to endure.

How (to strengthen themselves in their disloyal Courses) they had addrest themselves to Foreign States, and treated with them to deliver themselves up to their protection and Defence, as was made apparent under the hands of the Prime Ringleaders of that Rebellious faction.

These courses of theirs tending so much to the ruine and overthrow of this Famous Monarchy, united by the descent of the Crown of *England* upon his Majesty and his Father of blessed memory: His Majesty (in his great wisdom, and in discharge of the Trust reposed in him by God, and by the Fundamental Laws of both Kingdoms, for the Protection and Government of them) resolved to suppress, and thereby to vindicate that Sovereign power intrusted to him.

He had by the last Summers tryal found that his Grace and Goodness was abused, and that contrary to his expectation, and their faithful promises they had (since his being at *Berwick*, and the pacification there made) pursued their former rebellious designs: And therefore it was necessary now for his Majesty by power to reduce them, to the just and modest condition of their obedience and subjection, which when ever they should be brought unto, or seeing their own Errours should put themselves into a way of humility and obedience becoming them, his Majesty should need no other Mediator for Clemency and mercy to them, than his own piety and goodness, and the tender affection he hath ever born to that his native Kingdom.

This being of so great weight and consequence to the whole Kingdom, and the charge of an Army fit to master such a business amounting to such a sum as his Majesty hath no means to raise, having not only emptied his own Coffers, but issued between three and four thousand pounds which he borrowed of his Servants upon security out of his own Estate, to provide such things as were necessary to begin such an Action with; his Majesty after the example of his Predecessors, resorted to his People in their representative Body the Parliament, whom he desired (with all the Expressions of grace and goodness which could possibly come from him) that taking into serious and dutiful consideration the nature of these bleeding Evils, and how dangerous it was to lose the least minute of time, lest thereby those of *Scotland* should gain the opportunity to frame their parties with Foreign States; that they would for a while lay aside all other Debates, and pass an Act for the speedy payment of so many

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many Subsidies, as might enable his Majesty to put in readiness for this Summers Expedition those things which were to be prepared before so great an Army could be brought into the field.

For further Supply necessary for so great an undertaking his Majesty Declared, that he expected it not till there might be a happy conclusion of that Session, and till their just grievances might be first graciously heard and relieved.

Wherein as his Majesty would most willingly have given them the precedence before matter of Supply, if the great necessity of his occasions could have permitted; so he was graciously pleased for their full assurance and satisfaction therein to give them his Royal Word, that without determining the Session (upon granting of the Subsidies) he would give them before they parted as much time as the season of the year and the great affairs in hand would permit, for considering all such Petitions as they conceived to be good for the Common-Wealth, and what they would not now finish, they should have full time to perfect towards Winter: His Majesty graciously assuring them, that He would go along with them for their Advantage, through all the expressions of a gracious and pious King, to the end there might be such a happy conclusion of that as might be the cause of many more meetings with them in Parliament.

From their first Assembling until the 21<sup>th</sup> of April, the House of Commons did nothing that could give his Majesty any content or confidence in their speedy supplying of him: Whereupon he commanded both the Houses to attend him in the *Banqueting House* at *White-Hall* in the afternoon of that 21<sup>th</sup> of April, where (by the *Lord Keeper*) his Majesty put them in mind of the end for which they were Assembled, which was for his Majesties Supplies; That if it were not speedy it would be of no use unto him, part of the Army then marching at the Charge of above a hundred thousand pounds a moneth; which would all be lost if his Majesty were not presently supplied, so as it was not possible to be longer forborn.

Yet his Majesty then exprest that the supply he for the present desired was only to enable him to go on with his Designs for three or four months, and that he expected no further supply till all their just grievances were relieved.

And because his Majesty had taken notice of some mis-apprehensions about the leavying of *Ship-Money*, his Majesty commanded the *Lord Keeper* to let them know that he never had any intention to make any Revenue of it, nor had ever made any, but that all the money collected had been paid to the Treasurer of the Navy and by him expended, besides great summs of money every year out of his Majesties own purse.

That his Majesty had once resolved this year to have leavyed none, but that he was forced to alter his Resolution, in regard he was of necessity to send an Army for reducing those of *Scotland*, during which time it was requisite the Seas should be well guarded.

And besides, his Majesty had knowledge of the great *Fleets* prepared by all neighbouring Princes this year, and of the insolencies committed by those of *Algiers*, with the store of ships they had in readiness.

And therefore though his Majesty for this present year could not forbear it, but expected their concurrence in the leavying of it, yet for



for the future to give all his Subjects assurance, how just and Royal his Intentions were, and that all his Aim was, but to live like their King, able to defend himself and them; to be useful to his Friends, and considerable to his Enemies, to maintain the Sovereignty of the Seas, and so make the Kingdom flourish in Trade and Commerce: he was graciously pleased to let them know, that the ordinary Revenue now taken by the Crown, could not serve the turn: and therefore that it must be by *Ship-money*, or some other way, wherein he was willing to leave it to their considerations, what better course to find out, and to settle it how they would (so the thing were done) which so much imported the honour and safety of the Kingdom.

And his Majesty for his part, would most readily and cheerfully grant any thing they could desire, for securing them in the propriety of their Goods and Estates, and in the Liberty of their Persons. His Majesty telling them, it was in their power to make this as happy a Parliament as ever was, and to be the cause of the Kings delighting to meet with his people, and his people with him.

That there was no such way to effect this, as by putting Obligations of trust and confidence upon him, which as it was the way of good manners with a King, so it was a surer and safer course for themselves, than any that their own Jealousies and fears could invent; his Majesty being a Prince that deserved their trust, and could not lose the honour of it; and a Prince of such a gracious nature, that disdained his people should overcome him by kindness.

He had made this good to some other subjects of his; and if they followed his Counsel, they should be sure not to repent it, being the people that were nearest and dearest unto him, and subjects whom he did and had reason to value more, than the subjects of any his other Kingdoms.

His Majesty having thus graciously expressed himself unto them, he expected the House of Commons would have the next day taken into consideration the matter of supply, and laid aside all other Debates, till that was resolved of, according to his desire.

But instead of giving an Answer therein, such as the pressing and urgent occasions required, they fell into Discourses and Debates about their pretended Grievances, and raised up so many and of so several natures, that in a Parliamentary way they could not but spend more time, than his Majesties great and weighty affairs could possibly afford.

His Majesty foreseeing in his great Wisdom, that they were not in the way to make this a happy Parliament (which he so much desired and hoped) that nothing might be wanting on his part, to bring them into the right way, for his honour, the safety of the Kingdom, and their own good, he resolved to desire the Assistance of the Lords of the Higher House, as persons in Rank and Degree nearest to the Royal Throne, and who having received Honour from him and his Royal Progenitors, he doubted not would for those and many other reasons, be moved in Honour and Dutiful Affection to his Person and Crown, to dispose the House of Commons to express their Duties to his Majesty, in expediting the matter of Supply for which they were called together, and which required so present a Dispatch.

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For this purpose, his Majesty in his Royal Person came again to the Lords House on *Wednesday* the twenty fourth day of *April*, where himself declared to the Lords the cause of his coming, which was to put them in mind of what had been by the Lord Keeper in his Name delivered to both the Houses the first day of the Parliament, and after at *White-Hall*: how contrary to his Expectation, the House of Commons having held consultation of matter of Religion, Property of Goods, and Liberty of Parliament, and Voted some things concerning those three Heads, had thereby given them the precedence before the matter of his Supply. That his necessities were such, they could not bear delay; That whatever he had by by the Lord Keeper promised, he would perform, if the House of Commons would trust him.

For Religion, that his Heart and Conscience went together with the Religion established in the Church of *England*: and he would give order to his Arch-Bishops and Bishops, that no Innovation in matter of Religion should creep in.

For the *Ship-money*, that he never made, nor intended to make any profit to himself of it, but only to preserve the Dominion of the Seas; which was so necessary, that without it the Kingdom could not subsist. But for the way and means by *Ship-money* or otherwise, he left it to them.

For *property of Goods*, and *Liberty of Parliament*, he ever intended his people should enjoy them; holding no King so great, as he that was King of a Rich and free people; and if they had not property of Goods and Liberty of Persons, they would be neither rich, nor free.

That, if the House of Commons would not first trust him, all his affairs would be disordered and his business lost. That though they trusted him in part at first, yet before the Parliament ended, he must totally trust them; and in conclusion, they must for Execution of all things, wholly trust him.

Therefore since the matter was no more, than who should be first trusted; and that the trust of him first, was but a trust in part, his Majesty desired the Lords to take into their considerations, his and their own Honour, the Safety and Welfare of this Kingdom, with the great danger it was in, and that they would by their Advice dispose the House of Commons, to give his Supply the precedence before the Grievances.

His Majesty being departed, the Lords took into serious consideration what his Majesty had commended to their care, and forthwith laying aside all other Debates (such was their Lordships Dutiful and Affectionate Carriage, they well remembring what had been formerly declared in his Majesties Name to both Houses, his Majesties gracious promises and expressions then and at this time, with the pressing and urgent occasions which so much imported the honour of his Majesty, and the good of this Kingdom) their Lordships delivered their Votes in these words;

We are of opinion, that the matter of his Majesties Supply should have precedence and be resolved of, before any other matter whatsoever. And we think fit, there shall be a Conference desired with the House of Commons, to dispose them thereunto.

Accordingly



Accordingly the next day being *Saturday* the twenty fifth day of *April*, a Conference was had in the *Painted Chamber* by a Committee of both Houses, where the Lord Keeper (by the Lords Command) told the House of Commons of his Majesties being the day before in person in the Higher House, how graciously he had exprest himself in matter of Religion, Property of Goods, and Liberty of Parliament; and that he would therein graciously hear and relieve them, and give them what in reason could be desired, with the effect of what else had been graciously delivered unto them by his Majesty, as well touching his constant zeal and affection to the Religion establisht in the Church of *England*, as touching the *Ship-money*.

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*Memorand.* The Declaration proceeds further on to a great length in repeating the Kings Speech in the House of Peers, and the Votes which the Lords did pass thereupon in their House, to dispose the Commons to give Supply precedence, and how the Commons did Vote, the proceedings of the Lords to be a breach of their Privilege, and to demand reparation, and how the Lords meant by their Votes, that it is no breach of Privilege of the Commons. This Declaration also repeateth the two Messages which the King sent by Sr. *Henry Lane* to the House of Commons, and how they had no effect at all with them.

All which said Passages are omitted here, because they are fully set down in the Narrative of the Proceedings of this Parliament, which Omission in this place is done to save the Reader a double trouble. That which follows in this Declaration after the said Passages so omitted is in these words:

By all the proceedings herein declared, it is evident to all men, how willing and desirous his Majesty hath been, to make use of the antient and Noble way of Parliaments used and instituted by his Royal Predecessors, for the preservation and honour of this famous Monarchy: And that on his Majesties part nothing was wanting, that could be expected from a King whereby this Parliament might have had a happy Conclusion, for the comfort and content of his Majesties subjects, and for the good and safety of this Kingdom.

On the contrary it is apparent, how those of the House of Commons, (whose sinister and malicious courses enforced his Majesty to dissolve this Parliament) have vitiated and abused that antient and noble way of Parliament, perverting the same to their own unworthy Ends, and forgetting the true Use and Institution of Parliaments.

For whereas, these Meetings and Assemblies of his Majesty with the Peers and Commons of this Realm, were in their first original, and in the practice of all succeeding Ages, ordained and held as pledges and testimonies of affection between the King and his people; the King for his part graciously hearing and redressing such Grievances, as his people in humble and dutiful manner should represent unto him; and the subjects on their part, (as testimonies of their Duty) supplying his Majesty upon all extraordinary occasions for support of his Honour and Sovereignty, and for preserving the Kingdom in Glory and Safety:

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Those ill affected Members of the House of Commons, instead of an humble and dutiful way of presenting their Grievances to his Majesty, have taken upon them to be the Guiders and Directors in all matters that concern his Majesties Government, both Temporal and Ecclesiastical: and (as if Kings were bound to give an account of their Regal Actions, and of their manner of Government to their Subjects assembled in Parliament) they have in a very audacious and insolent way, entred into examination and censuring of the present Government, traduced his Majesties Administration of Justice, rendred as much as in them lay, odious to the rest of his Majesties Subjects, not only the Officers and Ministers of State, but even his Majesties very Government, which hath been so just and gracious, that never did this, or any other Nation enjoy more blessings and happiness, than hath been by all his Majesties Subjects enjoyed ever since his Majesties Access to the Crown: nor did this Kingdom ever so flourish in Trade and Commerce, as at this present, or partake of more peace and plenty in all kinds whatsoever.

And whereas, the Ordinary Revenues of the Crown not sufficing to defray extraordinary charges, it hath ever been the usage in all Parliaments, to aid and assist the Kings of this Realm with free and fitting Supply, towards the maintenance of their Wars, and for making good their Royal undertakings; whereby the Kingdom intrusted to their protection, might be held up in Splendour and Greatness:

These ill affected persons of the House of Commons, have been so far from treading in the steps of their Ancestors by their Dutiful expressions in this kind, that contrarily they have introduced a way of bargaining and contracting with the King; as if nothing ought to be given him by them, but what he should buy and purchase of them, either by quitting somewhat of his Royal Prerogative, or by diminishing and lessening his Revenues; which courses of theirs, how repugnant they are to the Duty of subjects, how unfit for his Majesty in honour to permit and suffer, and what hazard and dishonour they subject this Kingdom to, all men may easily judge, that will but equally and impartially weigh them.

His Majesty hath been by this means reduced to such straits and extremities, that were not his Care of the Publick Good and Safety the greater, these men (as much as in them lyes) would quickly bring ruine and confusion to the State, and render contemptible this glorious Monarchy.

But this frowardness and undutiful behaviour of theirs, cannot lessen his Majesties Care of preserving the Kingdoms entrusted to his Protection and Government, nor his gracious and tender affection to his People, for whose good and comfort his Majesty by Gods gracious assistance will so provide, that all his loving Subjects may still enjoy the happiness of living under the blessed shade and protection of his Royal Scepter.

In the mean time, to the end all his Majesties loving Subjects may know, how graciously his Majesty is inclined to hear and redress all the just Grievances of his people as well out of Parliament as in Parliament, his Majesty doth hereby further declare his Royal Will and Pleasure, that all his loving Subjects who have any just cause to present, or complain of any Grievances or oppressions,

may



may freely address themselves by their humble Petitions to his Sacred Majesty, who will graciously hear their Complaints, and give such fitting Redress therein, that all his people shall have just cause to acknowledge his Grace and Goodness towards them; and to be fully satisfied, that no Persons or Assemblies can more prevail with his Majesty, than the Piety and Justice of his own Royal Nature, and the tender affection he doth and shall ever bear to all his people and loving subjects.

16 Caroli.

**T**He day following the Dissolution of the Parliament, some Members were imprisoned; the Lord Brooks his Study, Cabinets and Pockets were searched for Papers, Henry Bellasis Knight of the Shire for the County of York and Sr. John Hotham were convened before the Council, and there examined concerning some particulars importing the Kings service, whereunto they making (as the Board conceived) no satisfactory answers, (for they were interrogated concerning passages in Parliament, his Majesty being present in Council) were ordered to be Committed to the Fleet: the Order for their Commitment doth follow.

Lord Brooks,  
Sr. John Hotham,  
etc. committed.

**W**Hereas Henry Bellasis Esq; and Sir John Hotham Knight Baronet, were this day Convened before the Board, and Interrogated concerning some particulars importing his Majesties service: whereunto they did make very undutiful Answers (his Majesty being then present in Council) for which it was thought fit and resolved, that they should stand Committed to the Prison of the Fleet: These are therefore to will and require you to take into your Custody the said Henry Bellasis and Sr. John Hotham, and keep them safe Prisoners till further order from his Majesty or this Board. For which this shall be your Warrant. Dated the 8th of May 1640. Signed

Warrant for  
the Commitment of Mr.  
Bellasis and  
Sr. John Hotham after the  
Parliament  
was dissolved.

Lord Arch-bishop of Canterbury.

Lord Keeper.

Lord Treasurer.

Lord Privy Seal.

Lord Marquess Hamilton.

Lord Great Chamberlain.

Lord High Admiral.

Lord Chamberlain.

Earl of Dorset.

Earl of Salisbury.

Earl of Holland.

Earl of Berks.

Earl of Strafford.

Lord Viscount Wilmot.

Lord Goring.

Lord Cottington.

Lord Newburgh.

Mr. Treasurer.

Mr. Comptroller.

Mr. Secretary Windebanke.

Lord Chief Justice of the Common Pleas.

**J**ohn Crew Esq; [now Lord Crew] was also convened before the Board, his Majesty being present in Council, and was there desired several times by his Majesty to deliver to the Clerk of the House of Commons all Petitions, Papers and Complaints that he received, being in the Chair at the Committee for Religion. The Council urged, that it was agreeable to the practice and course of all others who had served in the like employment as Chair-men to Committees appointed by that House, and therefore required the said Mr. Crew to deliver such Petitions and Papers as he had so received,

Mr. Crew also  
committed.

An. 1640.

to the Clerk of the House of Commons, to have them forth-coming when required by a Parliament; and being unwilling to discover the Names of Subscribers to Petitions which complained of Innovations in Religion, and against proceedings in the High Commission Court, &c. lest they should (the Parliament being now dissolved) fall into the hands of those who would bring them into trouble about the same; whereupon he desired to be excused as to the delivery of them: thereupon it was commanded, that he should be committed Close Prisoner to the Tower, where he continued till near the time of the meeting of another Parliament *Novemb. 3. 1640.* The Warrant for his Commitment doth follow.

A Letter directed to the Lieutenant of the Tower of London.

A Warrant  
for his Com-  
mitment.

**T**hese are to will and require you, to receive into your Custody, the person of John Crew Esq., and to keep him safe, and Close Prisoner in the Tower till you shall receive further order from this Board: And for so doing, this shall be your Warrant. And so, &c. Dated the 10th of May 1640. Signed

Lord Arch-bishop of Canterbury.  
Lord Keeper.  
Lord Treasurer.  
Lord Privy Seal.  
Earl of Holland.

Lord Lieutenant of Ireland.  
Lord Goring.  
Lord Newburgh.  
Mr. Treasurer.  
Mr. Secretary Windebanke.

**T**he Parliament being now dissolved, and the Kings Declaration of the Causes which moved him thereunto being published, we return to the Month of April where we broke off, lest Interruption should be given to the proceedings *De die in diem* of that Parliament: and that which offereth it self unto us in order of time, is

A Letter directed to Sr. Michael Earnely Knight, Lieutenant Governour of his Majesties Town and Garrison of Berwick.

Scotch-men  
lately Inhabi-  
tants within  
the Town of  
Berwick to  
depart.

**W**hereas his Majesty hath been advertised that divers persons of sundry qualities have for their relief and safety in this troublesome time, been enforced to remove themselves and their Families out of Scotland, and have taken up their residence within the Town of Berwick; which because it imports his Majesties service, that Town should be kept as free and empty of people as conveniently may be, now that his Majesties Army is to approach those parts; It was his Royal Pleasure consideration should be taken thereof at this Board, and such order given therein as might be requisite, both for his Majesties service, and also for the fit accommodation of those refugiat persons: We after mature deliberation have thought fit hereby to require you, to cause all such persons to

remove



remove with their Families out of the said Town, to the full distance of miles hitherwards. At which distance from the Borders his Majesty will be pleased they may reside and continue, but not come nearer the City of London, than the County of York. And for their remove from thence, they are to have seven dayes warning; and are to be dismissed with all fair respect and such assistance from you, as may most conveniently be afforded unto them according to their severall qualities and conditions. But for such persons of quality as repair thither, having but little company with them, and shall have occasion to make only a short stay there, being to pass forward, either to attend or to serve his Majesty, you are not to understand them to be included in this our Order; wherein not doubting of your care, and requiring an account from you of your proceedings, we bid you, &c. Dated the 18th of April 1640.

16 Caroli.

At this time it was thought fit by the Lords of the Privy Council to prevent inconvenience that might happen upon May-day, to write these two following Letters.

A Letter directed to the Earl of Dorset, and to the Earl of Holland, as followeth.

**A**fter &c. to your Lordships. Although it is well known unto you, what have been the insolencies and disorders committed on May-dayes, and how expresse and frequent the directions of this Board have been for preventing the same; nevertheless we have thought good hereby to renew our directions to your Lordships, praying and requiring you to give order to the Justices of the Peace of the County of Middlesex, to cause strong and sufficient Watches to be kept in all fit places within their severall Jurisdictions on May-day next; and (if need be) to cause some of the Trained Bands to be Mustered and Trained on that day in such places as shall be thought fittest to prevent the disorders aforesaid, and to hinder the confluence of people together: so praying your Lordships to use especial care and diligence herein, we bid your Lordships, &c. From White-Hall the 24th of April 1640.

To suppress the Insolencies usually practised on May-day.

Lord Keeper.

Lord Privy Seal.

Lord Great Chamberlain.

Lord Viscount Wilmot.

Lord Cottington.

Mr. Secretary Windebanke.

Also another Letter to the same purpose was directed to the Lord Mayor of the City of London, as followeth.

**A**fter &c. to your Lordship. Although it is well known unto you, what have been the Insolencies and disorders committed heretofore on May-dayes, and how expresse and frequent the directions of this Board have been to your predecessors for preventing the same; nevertheless we have thought good to renew our like directions to your Lordship, hereby requiring you, that besides the keeping of strong and sufficient Watches in all fit places within that City and Liberties thereof, you do likewise appoint to be in readines with Powder and Shot, some of the Trained

To suppress the Insolencies usually committed on May-day.

An. 1640.

Trained Bands to the number of eight hundred, to be Instructed and Trained (as need shall require) on May-day next in such convenient places, as may best serve for the preventing of any Riots or Tumults, which by the number of Apprentices joyned with loose and dissolute persons, (which abound in these parts) might otherwise happen, or be attempted: and so requiring you to use especial care and diligence herein, We bid your Lordship, &c. From White-Hall the twenty fourth of April 1640. Signed

Lord Keeper.  
Lord Privy Seal, &c.

A Letter directed to the Lords Lieutenants of the several Counties mentioned in the List immediately following: which Letter was dated May 5.

Concerning  
the Souldiers  
that are to  
march by  
Land.

**W**Hereas by our Instructions dated the 26th of March last sent together with his Majesties Letters for pressing of Foot, within that County of your Lordships Lieutenancy for defence of the Realm, your Lordship was (amongst other things) prayed to take order that the said men to be raised, should be appointed to meet in Companies of one hundred a piece at particular Rendezvous in that County most convenient for every hundred men till the 10th of this Instant May, to be weekly exercised by such Officers as the Lord General should send down; and to be brought the 10th of May to the General Rendezvous, which your Lordship was by our said Instructions to appoint on the Confinnes of that Shire most convenient for the said Souldiers march towards Newcastle upon Tine; at which General Rendezvous in that County the said men were to remain till the 20th of this Instant May, to be there exercised and put in order for their march towards Newcastle: we are now by his Majesties exprefs directions and Command, hereby to pray and require your Lordship to take present and effectual order, that the said men be not brought to the General Rendezvous of that County till the first of June next; but that they be continued to be exercised once every week at their particular Rendezvous until that day, and then repair to the General Rendezvous of that County, and remain there till the tenth of the same June, to be exercised and put in order for their march towards Newcastle, according to our former Instructions of the 26th of March last: which said Instructions your Lordship is to cause to be carefully pursued and observed in all other particulars without delay. And so we bid your Lordship, &c. Dated May 5. 1640. Signed by the

Lord Arch-bishop of Canterbury.  
Lord Privy Seal, &c.



*A List of the Souldiers that are to march by Land.*

|             | Men.  |              | Men.  |
|-------------|-------|--------------|-------|
| Berks       | 600.  | Merioneth.   | 100.  |
| Brecknocke. | 200.  | Monmouth     | 250.  |
| Bristoll.   | 200.  | Montgomery.  | 200.  |
| Cardigan.   | 150.  | Northampton. | 550.  |
| Carmarthen  | 250.  | Dorsett.     | 600.  |
| Carnarvon.  | 160.  | Oxford.      | 600.  |
| Chester.    | 500.  | Pembroke.    | 300.  |
| Cornwall.   | 600.  | Radnor       | 100.  |
| Denbigh.    | 200.  | Rutland.     | 60.   |
| Devon.      | 2000. | Salop.       | 500.  |
| Flint       | 680.  | Somersett.   | 2000. |
| Glamorgan.  | 200.  | Southampton. | 1300. |
| Glocester.  | 1500. | Stafford.    | 300.  |
| Hereford.   | 300.  | Warwick.     | 500.  |
| Leicester.  | 400.  | Wilts.       | 1300. |

16 Caroli.

The Reader is desired to excuse any mistake as to the number of men, the Copy by which it was printed being imperfect.

Letters were directed to the Lords Lieutenants of the several Counties particularly expressed in the List mentioned in the former Letter.

**W**Hereas by our Letters of Instructions dated the 26th of March last, sent together with his Majesties Letters for pressing of Foot within that County of your Lordships Lieutenancy, for defence of the Realm, your Lordship was (amongst other things) prayed to take order, that the said men to be raised, should be appointed to meet in Companies of one hundred a piece at particular Rendezvous in that County, most convenient for each hundred men till the of this instant May, to be weekly exercised by such Officers as the Lord General should send down, and to be brought the said of May to the General Rendezvous, which your Lordship was by our said Instructions to appoint on the Confines of that Shire, most convenient for the said souldiers march to Gravesend, at which General Rendezvous in that County, the said men were to remain till the of June next, to be there exercised and put in order for their march towards Gravesend: We are now by his Majesties expresse directions and command, hereby to pray and require your Lordship, to take present and effectual order, that the said men be not brought to the General Rendezvous of that County till the first of June next; but that they be continued to be exercised once every Week at their particular Rendezvous until that day; and then repair to the General Rendezvous of that County, and remain there at the charge of that County, till the tenth of the same June, to be exercised and put in order by such Officers as are or shall be sent thither for that purpose, by the Lord General, till such time as his Lordship shall give order for their marching to Gravesend to be there shipped; but all the said men are to enter into the Kings pay the tenth of June next, albeit they shall not march thence so soon; and are to deliver up the Arms borrowed

Touching the Souldiers that are to be sent by Sea.

An. 1640.

borrowed of the Trained Bands, when they shall march out of that County : and for all other particulars concerning this service, your Lordship is to cause our former Instructions to be carefully pursued and observed. And so, &c. Dated the sixth of May 1640. Signed by

|                                 |                           |
|---------------------------------|---------------------------|
| Lord Arch-Bishop of Canterbury. | Earl of Dorset.           |
| Lord Keeper.                    | Lord Coring.              |
| Lord Treasurer.                 | Lord Cottington.          |
| Lord Privy Seal.                | Lord Newburgh.            |
| Lord Marquess Hamilton.         | Mr. Treasurer.            |
| Lord Admiral.                   | Mr. Secretary Windebanke. |

*A List of the Souldiers that are to be sent by Sea.*

| Gravefend.    |       | Tarmouth.   |      |
|---------------|-------|-------------|------|
| Suffex.       | 600.  | Huntington. | 400. |
| Surrey.       | 800.  | Suffolk.    | 600. |
| Kent.         | 700.  | Northfolk.  | 750. |
| Cinque-ports. | 300.  | Cambridge.  | 300. |
|               |       | Bedford.    | 400. |
| Harwich.      |       | Grimsby.    |      |
| Middlefex     | 1200. |             |      |
| Hertford.     | 650.  | Lincoln.    | 200. |
| Essex.        | 700.  | Nottingham. | 300. |
| Buckingham.   | 500.  | Darby.      | 400. |

A Memorial  
of his Maje-  
sties Declara-  
tion to con-  
tinue the sit-  
ting of the  
Convocation  
for the quiet of  
the Church.

‘ **O**N the seventh of May, two dayes after the first Dissolution,  
‘ his Majesty sitting in Council was pleased to declare, that  
‘ he intended according to his gracious Speech delivered at the disso-  
‘ lution of the late Assembly in Parliament, to take into his Princely  
‘ consideration all the just Grievances there complained, and to re-  
‘ medy so many of them, as he should find to be real : and more par-  
‘ ticularly and in the first place, those concerning Religion. And  
‘ that to this purpose, his Majesty was minded to continue the sitting  
‘ of the Convocation House for some time, for the better discovery  
‘ and reformation of such abuses in that kind, as shall be found to  
‘ be justly complained of ; which his Majesties pious and gracious  
‘ Declaration and resolution their Lordships having by his Maje-  
‘ sties command taken into due consideration, after a serious debate  
‘ they did all of them with one unanimous consent humbly approve  
‘ thereof, and commanded that a Memorial of his Majesties care in  
‘ continuing of the Convocation for the quiet of the Church, should  
‘ be entred in the Register of the Acts of Council.

After this time the Convocation sate till the 29th of May, and then ended.

At



At the Court at WHITE-HALL,  
on May 7.

Present

The Kings Most Excellent Majesty.

|                                 |                                |
|---------------------------------|--------------------------------|
| Lord Arch-Bishop of Canterbury. | Lord Lieutenant of Ireland.    |
| Lord Treasurer.                 | Lord Goring.                   |
| Lord Privy Seal.                | Lord Cottington.               |
| Lord Marquess Hamilton.         | Lord Viscount Wilmot.          |
| Lord Great Chamberlain.         | Lord Newburgh.                 |
| Lord High Admiral.              | Mr. Treasurer.                 |
| Lord Chamberlain.               | Mr. Comptroller.               |
| Earl of Salisbury.              | Secretary Windebanke.          |
| Earl of Holland.                | Lord Chief Justice of the Com- |
| Earl of Berks.                  | mon Pleas.                     |

‘**H**Is Majesty and their Lordships taking into consideration  
‘the great and supine negligence of the High Sheriffs of divers  
‘Counties, in the execution of his Majesties Writs for *Ship-money*  
‘issued in *November* last, and resolving that a round course shall be  
‘forthwith taken for punishing of them according to their deme-  
‘rits; it was this day ordered, that Mr. Attorney General shall be  
‘hereby prayed and required to fend for the present High Sheriffs  
‘of the Counties of *London, Middlesex, \*York, Berks, Surrey, Lie-*  
‘*cester, Essex and Northampton*, and to examine them concerning  
‘their proceedings and performance of that service, and to proceed  
‘against them for their contempt and neglect in so important a ser-  
‘vice, in the *Star-Chamber* or otherwise with all convenient expedi-  
‘tion, as his Majesties said Attorney shall see cause.

Touching  
proceedings  
to be had  
against Sher-  
iffs for their  
contempts  
and neglects  
in Ship-ser-  
vice.

\* Sir Marma-  
duke Langdale  
then Sheriff.

**M**ay 9. *Saturday*, a Paper was pasted on the *Old Exchange London*,  
animating Apprentices to sack the Arch-Bishop of *Canterbur-*  
*ry's* house, whereupon the Privy Council directed a Letter to the ef-  
fect following to the Lord Lieutenant of *Surrey*.

**H**is Majesties pleasure is, that your Lordship take present and effectual  
order, that all the Trained Bands belonging to the Borough of  
*Southwark*, be drawn forth and put in arms and readines, with powder  
and shot in *St. Georges Fields*, on *Munday next in the morning*, and that  
they continue and remain so till the Evening, unless your Lordship shall see  
cause to give order for their discharge sooner. And thus not doubting  
your Lordships care herein, we bid, &c. Dated May 10. 1640. Signed by

Trained  
Bands of  
*Southwark* to  
be in readi-  
ness in *S. Geor-*  
*ge's Fields*.

|                         |                           |
|-------------------------|---------------------------|
| Lord Privy Seal.        | Earl of Berks.            |
| Lord Admiral.           | Lord Newburgh.            |
| Lord Marquess Hamilton. | Mr. Treasurer.            |
| Lord Great Chamberlain. | Mr. Secretary Windebanke. |
| Lord Chamberlain.       |                           |

M m m m m m m

Munday,

An. 1640.

**M**unday May 11. at Midnight, saith my Lord Bishop, my house at *Lambeth* was beset with five hundred persons of the Rascal Riotous multitude; I had notice, saith the Archbishop, and strengthened the house as well as I could, and God be blessed I had no harm; since I have got Cannons, and fortified my house as well as I can, and I hope all may be safe: But yet Libels are continually set up in all places of note in the City.

**U**Pon the occasion of this Tumult and the besetting of *Lambeth House* these following Orders were made by the Lords of the Privy Council for the securing of his Grace the Archbishop of *Canterbury* from the Insurrection of the People.

May 12.  
1640.

For keeping  
Watches and  
strict courses  
in the City.

### A Letter to the Lord Mayor of the City of London.

**U**Pon Occasion of the late tumultuous Assembly in and about *Lambeth*, his Majesty hath commanded us to signifie his pleasure to your Lordship to take present and effectual order that there be double Watches kept within the City and Liberties of London, and that the said Watches do continue in their charge till five a Clock in the morning. Your Lordship is further to cause every Householder within the said City and Liberties, to be answerable for the quiet and peaceable behaviour of all his Apprentices and Servants. And lastly your Lordship is to take especial care that there be a good and sufficient watch kept every night at the Bridge foot, to intercept all vagrant persons, and to prevent any concourse of people, to pass in or out of the said City. Which strict course and double watch is to be continued by your Lordships vigilant care till your Lordship shall receive further order. And for your Lordships so doing this shall be your Warrant. And so &c. Dated May 12. 1640.

Lord Archbishop of *Canterbury*.  
Lord Treasurer.  
Lord Privy Seal.  
Lord Marquess *Hamilton*.  
Lord Great Chamberlain.  
Lord High Admiral.  
Lord Chamberlain.  
Earl of *Salisbury*.  
Earl of *Holland*.  
Earl of *Berks*.

Lord Lieutenant of *Ireland*.  
Lord *Goring*.  
Lord *Cottington*.  
Lord Viscount *Wilmot*.  
Lord *Newburgh*.  
Mr. *Treasurer*.  
Mr. *Comptroller*.  
Secretary *Windebanke*.  
Lord Chief Justice of the Com-  
mon Pleas.



A Letter to the Justices of Peace of Westminster and Liberties.

16 Caroli.  
May 12.  
1640.

**U**Pon occasion of the late tumultuous Assembly in and about Lambeth, we are by his Majesties especial Command to require you presently to take effectual order that double Watches be kept every night in and about the Cities and Liberties of Westminster to prevent disorders and tumultuous Assemblies, and to intercept and apprehend all vagrant and wandring persons and bring them to Justice. And you are further by his Majesties expresse Command to take some course that every Householder within the said City and Liberties may be answerable for the peaceable and quiet behaviour of all his Apprentices and Servants; which double Watch and strict course is to be continued by your care and vigilancy until further order. For which this shall be your sufficient warrant. And so &c. Dated May 12. 1640. Signed,

That double Watches and strict Courses be kept to prevent Tumults.

Lord Privy Seal.  
Lord Lieutenant of Ireland, &c.

A Letter to the Earl of Dorset and the Earl of Holland his Majesties Lieutenants for the County of Middlesex.

May 12.  
1640.

**U**Pon occasion of the late tumultuous assembly at Lambeth, we are by his Majesties expresse command hereby to require your Lordship presently to take effectual order that there be double Watches kept in and about St. Giles, and Tuttle Fields, and all other passages and places near London and Westminster within the County of Middlesex to prevent tumultuous assemblies, and to intercept and apprehend all idle and vagrant persons and to bring them to Justice; and your Lordships are to give order that there be Boats provided to be ready to transport Horse and Men at Lambeth Ferry and elsewhere upon any occasion for the better suppressing of such disorders and tumults as may happen. And thus not doubting of your Lordships care herein, We bid &c. Dated and Signed ut ante.

Strict courses to be used for suppressing of Tumults.

A Letter to the Earl of Arundel and Surry, the Earl of Nottingham, and the Lord Maltravers, his Majesties Lieutenants of the County of Surry.

May 12.  
1640.

**U**Pon occasion of the tumultuous assembly the last Night, We are by his Majesties special command to require your Lordships presently to take order that there be appointed forthwith an able and well affected Provost Marshal together with a considerable and competent number of sufficient Horse and Foot, well armed and provided to watch and Ward this night, and so by turns from time to time in and about Lambeth, Newington, St. Georges Fields, and the places and passages thereabouts to prevent any Concourse or Assembly of people: and to intercept and ap-

To appoint a Provost Marshal and Watch and Ward of Horse and Foot.

An. 1640.

~ v ~

prehend all wandring and vagrant persons and to bring them to Justice. Which watch and ward is to be continued till your Lordship shall understand his Majesties further pleasure. For which this shall be your warrant. And so &c. Dated May 12. 1640. Signed by

Lord Privy Seal.

Lord Duke of Lenox, &amp;c.

May 14.

1640.

After two dayes respite, Informations came every hour of more Libels posted up, whereupon a Letter was sent to the Lord Mayor of London to this effect.

That the  
Trained  
Bands be in  
readiness for  
suppreting  
tumults.

**W**Hereas by the late tumultuous assembly in and about Lambeth, we find that it may be necessary upon the like occasion to have the Trained Bands of the City of London and Liberties in a readiness to suppress any disorderly, riotous, and like tumultuous meetings, which may happen now or at any other time hereafter, we have therefore thought good hereby to authorise and require your Lordship for the prevention and suppressing of any danger that may happen by the gathering together of vagrant or any other idle persons, from time to time, and so often as you shall find it requisite to cause the trained Bands of that City, &c. or such part thereof as your Lordship shall think necessary to be drawn forth in their Armes and put in readiness for the service aforesaid. For which this shall be your Lordships warrant. And so &c. Dated the 14th of May, 1640. Signed by

Lord Archbishop of Canterbury.

Lord Treasurer.

Lord Privy Seal.

Earl of Dorset.

Earl of Berks.

Lord Goring.

Lord Cottington.

Lord Newburgh.

Mr. Treasurer.

Mr. Secretary Windebanke.

Mr. Comptroller.

May 15.

1640.

Another Letter was directed to the Earl of Dorset, and the Earl of Holland his Majesties Lieutenants for the County of Middlesex.

Trained  
Bands of  
Middlesex to  
be sent for  
ease to those  
of Surry.

**W**Hereas by reason of the late tumultuous disorders in Southwark and the parts thereabouts, the trained Bands of those parts have been by order from his Majesty and this Board commanded to watch several nights together, whereby they are so wearied as they are not well able longer to undergo that duty; we are therefore by his Majesties Command, hereby to require your Lordships to take present and effectual order that some of the Trained Bands of the County of Middlesex nearest adjoining be sent this evening into Southwark, and the parts adjacent, and so from time to time imployed by turns to relieve and ease the Trained Bands of Surry, as shall be by your Lordships Deputy Lieutenants and the Deputy Lieutenants of Surry agreed unto and ordered. we have also by his Majesties Command, written to the Lord Mayor to cause some of the Trained Bands of the City to be sent to morrow in the Evening into Southwark,



wark, in like manner for ease of the Trained Bands of Surrey. whereof we have thought good also to advertise your Lordships, that your Deputy Lieutenants may likewise agree with them at what times to send the Bands of Middlesex for the service aforesaid. For which &c. Dated the 15th of May. Signed by

16 Caroli.

Lord Arch-Bishop of Canterbury.

Lord Treasurer.

Lord Privy Seal.

Lord Marquess Hamilton.

Earl of Suffolk.

Earl of Newcastle.

Mr. Treasurer.

Mr. Secretary Windebank.

Lord Goring.

At WHITE-HALL, May 15. 1640.

Present,

The King's Most Excellent Majesty.

Lord Arch-Bishop of Canterbury.

Lord Keeper.

Lord Treasurer.

Lord Privy Seal.

Lord Great Chamberlain.

Earl of Suffolk.

Lord Chamberlain.

Earl of Holland.

Earl of Berks.

Earl of New-Castle.

Lord Goring.

Lord Cottington.

Lord Newburgh.

Mr. Treasurer.

Mr. Comptroller.

Mr. Secretary Windebank.

Lord Chief Justice of the Common Pleas.

‘ **W** Hereas there is a Proclamation drawn immediately to be published, for the punishing and repressing of the late Traiterous and Rebellious Assemblies in Lambeth, Southwark and other places adjoyning, it was this day ordered by his Majesty with the Advice of the Board; that the Lord Mayor and the Sheriffs of London, shall presently assoon as the said Proclamation shall come unto their hands, cause the same to be proclaimed in the Market places and chief streets of the said City and Liberties thereof, and the Sheriffs of Middlesex shall cause the same in like manner to be proclaimed in the chief streets and places of the Suburbs, and places adjacent thereunto, and the Sheriff of Surrey in like manner shall cause the same to be proclaimed in the chief streets and places adjacent in the Borough of Southwark, and the Bayliff of Westminster within the Liberties of Westminster, whereof they are not to fail respectively in their several Jurisdictions.

Order for publishing a Proclamation for the punishing and repressing Traiterous and Rebellious Assemblies.

At

An. 1640

At the Court at WHITE-HALL,  
May 16. 1640.

Present,

The Kingsmost Excellent Majesty.

Lord Arch-Bishop of *Canterbury*, &c.May 16.  
1640.Concerning  
*Beaumont, Sprat*  
and *Wilson*.

IT was this day ordered (his Majesty present in Council) that the examinations of *Richard Beaumont*, *George Sprat*, and *Edmond Wilson* shall be forthwith sent to Mr. *Sergeant Heath* and *Sergeant Whitfield*. Who together with the Recorder of the City of *London*, are hereby prayed and required to consider of the same, and to take such further examinations of the said persons, and of *Gervase Oglethorpe* mentioned in *Richard Beaumont's* examination, and of such others as they shall discover, or as the said *Sergeants* and Mr. *Recorder* or any two of them shall conceive fit and best for discovering of the truth of the business expressed in the examinations already taken and sent herewith. And in the mean time the said *Beaumont* is to stand Committed to the Prison of the *Fleet*.

At the Court at WHITE-HALL,  
May 16. 1640.

Present,

The King's Most Excellent Majesty.

Lord Arch-Bishop of *Canterbury*.Lord *Keeper*.Lord *Privy Seal*.Lord *Duke of Lenox*.Lord *Marquess Hamilton*.Lord *Great Chamberlain*.Lord *Admiral*.Lord *Chamberlain*.Earl of *Dorset*.Earl of *Salisbury*.Lord *Goring*.Lord *Newburgh*.Mr. *Treasurer*.Mr. *Comptroller*.Mr. *Secretary Windebanke*.Earl of *Holland*.Earl of *Berks*.Earl of *Morton*.To restrain  
Boats from  
carrying idle  
persons after  
nine a clock  
at night.

HIS Majesty and their Lordships understanding that when the late Tumults were in and about *Southwark* and *Lambeth*, there were divers idle and lewd persons transported to and from *Ratcliff*, *Blackwall*, *Rodwith*, *Wapping* and other parts thereabouts, whereby the said disorderly and rebellious assemblies were much increased; It was therefore this day ordered, his Majesty present in Council, That as well the Master and Wardens of the *Trinity house*, as the Master and Governours of the *Watermans Hall*, should be hereby required to

take



'take'present and effectual order that there be no Boats of any sort  
'suffered to transport after Nine a Clock at Night, any idle or  
'suspected persons for whom they will not answer or give ac-  
'compt.

16 Carol.

Another Letter to the Lord Mayor of London.

May 16.

1640.

**W**Hereas Thomas Bensteed now prisoner in Newgate is not to be  
Executed till to morrow morning, We have therefore thought good  
hereby to will and Command your Lordship to give effectual order that the  
said Prison be this night, (and so till he shall be delivered to the Custody  
of the Sheriff) safely and securely guarded, whereof your Lordship may  
not fail. And so &c. Dated as before.

Newgate to be  
securely  
guarded till  
Bensteed be  
delivered to  
the Sheriff.

A Letter to the Lieutenant of the Tower of London.

May 16.

1640.

**W**Hereas by the late Tumults about the City, we find it may be ne-  
cessary upon occasion to have the Trained Bands within the Precincts  
and Liberties of the Tower in a readiness not only to suppress any disorderly,  
riotous and like tumultuous meetings, which may at any time happen, but  
for the defence and safety of his Majesties Tower, whereof you have  
charge ; We have therefore thought good hereby to authorise and require  
you for the service aforesaid, forthwith and so long as you shall find it  
requisite from time to time to cause the Trained Bands within the said  
precinct, &c. or such part thereof as you shall find necessary, to be drawn  
forth in their Armes, and put in readiness with Powder and Shot, and to  
take so many of them for your assistance into the Tower, as you shall  
think fit for the safety and defence of the said Tower. For which &c.  
And so &c. Dated the 15th of May. Signed by the

To have the  
Trained  
Bands of the  
Tower in  
readiness for  
defence of  
the same.

Earl of Dorset.  
Earl of Holland &c.

At this time a Letter was sent to the Lords Lieutenants  
of the County of Norfolk.

**W**Hereas we understand by a Paper presented to this Board by some  
of your Lordships Deputy Lieutenants of the County of Norfolk,  
that there are divers persons within that County, who refuse to pay Coat  
and Conduct Money for the seven hundred and fifty men ordered to be  
raised there for the present expedition for his Majesties Service ; And  
whereas your Lordships said Deputy Lieutenants desire to know how to pro-  
ceed with such men as refuse to receive prest-money for the said expedi-  
tion ; We have thought good hereby to pray and require your Lordships  
to give speedy directions to your Deputy Lieutenants of that County to  
send to your Lordships to be presented to this Board the names of those of  
the principal and ablest men of that County who shall refuse to pay Coat or  
Conduct Money for the said men to be Levied there. And that they  
Commit to Prison such persons as being lyable to the said Prests, shall re-  
fuse to receive prest-money for the said present expedition for his Ma-  
jesties

Touching re-  
fusers to pay  
Coat and  
conduct mo-  
ney.

Apr. 1640. *Jeffies Service. And thus knowing very well your Lordships care to give expedition to Service of this nature and importance, We bid &c. Dated the 7th of May. Signed by*

Lord Archbishop of Canterbury, &c.

May 17.  
1640.

On the 17th of May, 1640. it was also thus ordered by the Privy Council.

Order for the  
burning of  
Popish Books.

‘**W**Hereas there was lately found in the house of one *Alexander Lea* a Taylor dwelling in *Blomesbury* a Trunk belonging to one *Mary Silvester*, wherein was locked up to the number of 200 ‘Popish Books or thereabouts all in *English*, viz. *Jesus Psalters*, *Invectives* and *Rhimes* against *Luther* and *Calvin*, *Rhemes Testaments*, ‘Preparative Prayers to the *Mafs*, *Manuels*, and other superstitious ‘Prayer Books and Catechisms, such as by the Law of this Kingdom ‘ought to be burnt ; It was this day ordered, his Majesty present in ‘Council, that all the said Popish Books, shall be forthwith delivered ‘to the Sheriffs of the City of *London* who are hereby authoris’d ‘and required to cause all the said Books to be brought into *Smithfield*, and there in the Market place, between ten and eleven of the ‘Clock in the Morning on a Market day laid upon a heap and all ‘publickly burned by the Hangman.

Gentlemen of  
*Lincolns-Inn*  
questioned  
for Drinking  
a health to  
the confusion  
of the Arch-  
bishop of  
*Canterbury*.

**A**fter the Dissolution of this Parliament, and the apprehension which the people had, that his Grace of *Canterbury* was the principal cause thereof, occasioned people of better sort also to be dissatisfied with his Grace ; and it so fell out that at a meeting in a Tavern in *Chancery Lane*, certain Gentlemen of *Lincolns-Inne* were drinking a health of which a Drawer informed the Archbishop that it was a health to his Confusion, whereupon his Grace procured a Warrant to *Kerm* a Messenger to bring before the Board Mr. C. Mr. G. Mr. O. Mr. M. and Mr. T. young Gentlemen of *Licolns Inn*. And when the said Gentlemen a little before their appearance made their application to the Earl of *Dorset* to stand their Friend, and to pardon their unadvisedness in drinking a rash health ; the Earl askt them, who doth bear witness against you ? they answered one of the Drawers ; where did he stand, said the Earl, when he heard you drink the health ? they replyed, he was at the door going out of the Room ; Tush, said the Earl, the Drawer was mistaken, you drank a health to the Confusion of the Archbishop of *Canterbury*’s foes, and he heard the first part of your words, and was gone before he heard the latter words. This Hint put the Gentlemen upon a new way of excuse which they thought not of before, but the Earl advised them to carry themselves with all humility and respect to the Arch-bishop when they were called in before the King and his Council ; they improved this Advice with as good language as they could ; and by the favour of the said Earl and others they only received a reproof and admonition, and so were dismiss’d.

At



16 Caroli.

After the Lords of the Council had Committed some Members of Parliament, and secured the Archbishop of *Cinturburgh* his House at *Lambeth* from Tumults, they then took into Consideration how to procure moneys for the Kings present supply ; whereupon divers Aldermen were sent for to the Council Table to give in the Names of such Citizens in *London* as were able to lend the King money, which they refusing to do were committed to Prison, as by the following Orders and Warrants do appear.

‘ It was the            day of *May* ordered (his Majesty present in Council) That as well the Lord Mayor and all the Aldermen of the City of *London*, who this day attended his Majesty (excepting Sir *Nicholas Rainton*, Alderman *Somes*, Alderman *Geere*, and Alderman *Atkins*) as also all the rest of the Aldermen who were this day absent, together with the Deputies of the Wards belonging to the said Sir *Nicholas Rainton*, Alderman *Somes*, Alderman *Geere*, and Alderman *Atkins*, shall forthwith meet and set down in Writing the names of all such persons Inhabitants within their severall and respective Wards, as they conceive are able to lend his Majesty (upon security) in the whole amongst them all) the sum of two hundred thousand pounds. And that they shall every of them respectively set down particularly, how much every person in their Wards is able in their opinions to lend towards the said sum of two hundred thousand pound, and present the same in Writing to the Council Board, on *Friday* next at two a Clock in the Afternoon. And the said Lord Mayor and Aldermen may (if they please) call to them the Deputies of their severall and respective Wards to assist and inform them for their better dispatch of this business. And if any of the Aldermen who were absent or their Deputies of any of the said Wards shall refuse or delay to joyn herein, according to this order: his Majesties express command is, That the Lord Mayor do forthwith return his or their Names to the Board.

Names of persons in *London* able to lend money to the King, to be presented to the Board.

*The same day this Order following was made.*

‘ Whereas Sir *Nicholas Raynton* Alderman of the City of *London*, Alderman *Geere* and Alderman *Atkins* were heretofore with the rest of the Aldermen of the said City made acquainted with his Majesties urgent and present occasions to use and imploy the sum of two hundred thousand pounds for the safeguard and defence of the Realm, and were required in his Majesties name to set down the names of such persons within their severall and respective Wards, who are in their opinions able to lend his Majesty moneys towards the said defence, and to set down how much they conceive every such person is able to lend : And whereas the said Sir *Nicholas Rainton*, Alderman *Geere*, and Alderman *Atkins* being this day convented before the Board, his Majesty present in Council, refused to set down the names of such persons within their severall and respective Wards, which in their opinions were able to lend his Majesty money for the service aforesaid, and how much

Sir *Nicholas Rainton* and other Aldermen of *London* to be examined and proceeded against.

N n n n n n

‘ they

An. 1640.

‘they conceive every such person is able to lend, (although other  
 ‘Aldermen have therein given his Majesty satisfaction,) for which  
 ‘their contempt they now stand Committed by Warrant from this  
 ‘Board : It is ordered that Mr. *Attorney General* shall be hereby  
 ‘prayed and required forthwith to examine all the said Aldermen  
 ‘apart, and having taken all their examinations, to take present or-  
 ‘der for proceeding against them for their said contempts, by Infor-  
 ‘mation in the *Star Chamber* or otherwise, as he with the advice of  
 ‘others of his Majesties Learned Council shall conceive to conduce  
 ‘most to his Majesties service.

*After these Orders, these Warrants following were also made.*

‘**A** Warrant to commit Alderman *Somes* to the Prison of the  
 ‘*Fleet*, Dated May 10. Signed by

*Lord Arch-Bishop of Canter-*  
*bury.*

*Lord Keeper.*

*Lord Treasurer.*

*Lord Privy Seal.*

*Lord Duke of Lenox.*

*Lord Marquess Hamilton.*

*Lord Great Chamberlain.*

*Lord Lieutenant of Ireland.*

*Lord Cottington.*

*Lord Newburgh.*

*Mr. Treasurer.*

*Mr. Comptroller.*

*Mr. Secretary Windebanke.*

*Lord Chief Justice of the Com-*  
*mon Pleas.*

‘**A** Warrant to Commit Alderman *Atkins* to the *Kings Bench*,  
 ‘Dated May 10. Signed by

*Lord Arch-Bishop of Canterbury.* *Lord Keeper.* *Ut supra.*

‘**A** Warrant to Commit Sir *Nicholas Rainton* to the *Marshalseas*,  
 ‘Signed, *Ut supra.*

‘**A** Nother Warrant for the Commitment of Mr. Alderman *Geere*  
 ‘to the Prison of the *Gate-house*, Dated and Signed, *Ut ante.*

At this time a Letter was directed to the Sheriffs of the  
 several Counties expressed in the list after the Letter.

Round Let-  
 ters to re-  
 quire the  
 people to  
 pay in Ship-  
 money be-  
 times.

**I**T so much importeth the defence and safety of the Kingdom that the  
 Ship Money payable by that County, should be forthwith (with  
 out further delay,) Levyed and paid in to the Treasurer of the Na-  
 vy, and you have already to that purpose received from this Board  
 so many Letters to quicken you in the performance of your duty in that  
 behalf, as we shall not only let you know that his Majesties Occasions  
 for the defence of the Kingdom are rather more (than less) pressing, and  
 that if through your continual neglect all the Ship Money be not timely  
 paid, both this and the former admonitions given you will add weight to  
 your default and contempt. And if you pay not in at least one half of  
 the Money payable by that County for the said service by the last of this  
 Month, and the other half by the 24th of June next ; you must expect

to



to feel the smart and punishment due to so wilful a remissness in a business of so great Import and Consequence. And so, &c. Dated May 11. 1640. Signed by

16 Caroli.

Lord Arch-bishop of Canterbury.

Lord Keeper.

Lord Treasurer.

Lord Privy Seal.

Lord Marquess Hamilton.

Lord Admiral.

Lord Lieutenant of Ireland.

Lord Viscount Wilmot.

Lord Goring.

Lord Cottington.

Lord Newburgh.

Mr. Treasurer.

Mr. Comptroller.

Mr. Secretary Windebanke.

Lord Chief Justice of the Common Pleas.

## A List of the COUNTIES.

Buckingham.

Bedford.

Bristol.

Cornwall.

Cambridge.

Cumberland.

Chester.

Devon.

Derby.

Dorset.

Duresme.

Gloucester.

Southampton.

Hertford.

Huntingdon.

Kent.

Lancaster.

Lincolne.

Monmouth.

Nottingham.

Northumberland.

Northfolke.

Oxford.

Rutland.

Somerset.

Suffex.

Suffolke.

Stafford.

Salop.

Warwick.

Worcester.

Wilts.

Westmerland.

Carnarvon.

Denbigh.

Flint.

Montgomery.

Brecknocke.

Cardigan.

Carmarthen.

Pembroke.

Radnor.

In this Month of May this ensuing Order was made by the Lords of the Privy Council.

‘ **T**Heir Lordships taking notice, that there are now in and about this Town, divers Deputy Lieutenants and Justices of Peace, whereby the present services of his Majesty and the Government of the Countrey are very much neglected; It was therefore this day ordered, that Mr. Attorney General shall be hereby prayed and required forthwith to prepare a Bill fit for his Majesties signature, containing a Proclamation requiring and commanding all Deputy Lieutenants, and Justices of Peace of Counties, forthwith to repair to their severall and respective dwellings in the Countrey, and to reside and attend there the services of his Majesty, and af-

Order for a Proclamation to require Deputy Lieutenants, &c. to repair to their dwellings.

An. 1640.



'fairs of their Countrey. Which draught of a Proclamation is  
'forthwith to be drawn up and presented to be read at the Board.

At the Court at WHITE-HALL,  
May 20. 1640. His Majesty present,

Order ap-  
pointing a  
Committee  
for the Ship-  
ping business.

'U Pon consideration this day had, how much it importeth the  
'safety and defence of the Kingdom (in regard of the great  
'preparations that are made of Sea Forces by Neighbouring Princes  
'and States) that all the *Ship-money* which is in Arrear, should be  
'pressed to be paid with all possible expedition; His Majesty present in  
'Council, did hold fit, that a select Committee of the Board should be  
'appointed for the shipping business; and thereupon was pleased to  
'nominate the *Lord Keeper*, *Lord Privy Seal*, *Lord Chamberlain*, *Earl of*  
'*Dorset*, *Earl of Salisbury*, and the *Lord Chief Justice Littleton*, or any  
'three or more of them, who are by his Majesties special command  
'required to meet every *Thursday* morning out of Term, and every  
'*Thursday* in the afternoon in the Term time, and oftner, as there  
'shall be occasion, to hear and consider of such Letters, Petitions,  
'Accompts and Papers as shall be sent or presented concerning that  
'weighty business, and to give answers and dispatches to such of or-  
'dinary matters concerning that service as they shall think good,  
'and to acquaint his Majesty and the Board with such others as they  
'shall hold to be of more importance and consideration: and Mr. *Ni-*  
'*cholas* Clerk of the Council is required to attend their Lordships  
'at their said meetings, and oftner as their Lordships shall appoint  
'for dispatch of such businesses concerning that service, as their  
'Lordships shall direct.

The same day His Majesty present, this Order was made.

For a *Provost*  
*Marshall*, and  
to be furni-  
shed with  
Arms, Sad-  
dles, &c.

'U Pon consideration of the many Insolencies and disorders lately  
'committed by lewd and base people tumultuously assembled  
'in divers parts in and about the City of *London* and Liberties, It  
'was this day ordered, his Majesty present in Council, that Cap-  
'tain *William Davis* (who hath formerly discharged with good satis-  
'faction the Office of *Provost Marshall* for the said City and Liberties  
'of *London*) shall be forthwith employed *Provost Marshall* for the  
'said City and twenty miles compass thereabouts. And for his bet-  
'ter performance of that Charge, he is to have twelve Horse Cara-  
'bins and twelve Foot; of which Foot, six are to be armed with  
'half Pikes or Halberds, and six with Harquebusses. And that for  
'his Sallary, the said Captain shall be allowed five shillings *per diem*  
'(being the like pay as is allowed to the *Provost Marshall* of the  
'Horse employed in his Majesties Army) and the twelve Horse are  
'to have two shillings a piece *per diem*, being the pay of Carabins;  
'and the twelve Foot are to be allowed eight pence *per diem*; which  
'entertainments or pay are to be made Monthly to the said Captain  
'for himself and his said Company by the Treasurer at War for the  
'time



'time being, or his Deputy. And there is further to be forthwith  
'paid to the said Captain, by the said Treasurer, the sum of one  
'hundred forty and four pounds for present Levying of all the said  
'twelve Horse, after the rate of twelve pounds an Horse. Which  
'Horse are to be furnished with Arms, Saddles and Furniture out of  
'his Majesties Magazin of the Tower. And the said Captain is to  
'take care, that the said Arms, &c. after the Service shall be ended,  
'be carefully and entirely restored and delivered back into his Maje-  
'sties said Magazin.

16 Caroli.

**T** *Hursday, May 21.* one of the chief of the Tumult being taken,  
was brought to his Tryal, and Condemned at *Southwark*,  
Hanged and Quartered on *Saturday* Morning following.

'**I**T was about this time thought fit and ordered, ( his Majesty  
'being present in Council ) that the twelve Burgeses and their  
'Assistants of the City of *Westminster* and Liberties thereof, shall for  
'the more orderly Government of the said City and Liberties, re-  
'side and continue in Town, and none of them to depart without  
'leave from his Majesty or the Board. And they are to be vigilant  
'in the Execution of their Offices in their several Wards, and be  
'aiding and assisting to all subordinate Officers within their Juris-  
'diction upon all occasions that shall arise; and especially for the  
'preventing and suppressing of all tumultuous Assemblies and Riots  
'or other disorders any way tending to the Breach of the Peace; as  
'also to take care and provide for the Visited in this time of Infe-  
'ction. And for such of the particulars aforesaid, as are contained  
'and provided for in the particular Act of Parliament of 27 *Eliz.*  
'made for the better Government of the said City and Liberties.  
'Whereof all and every the persons whom it may concern, are to  
'take knowledge, and to govern themselves accordingly.

The Burgeses  
of *Westminster*  
to reside in  
Town, and  
not to depart  
without leave  
from his Ma-  
jesty or the  
Board.

A Copy of Letters to the Lords Lieutenants of the several  
Counties, expressed in the List following the Letter.

May 27.  
1640.

**W** Hereas by our Letters of the 26th of March last, you were re-  
quired to cause Horses and Carters to be provided in  
that County of your Lordships Lieutenancy for the Train of Artillery, and  
the Carriage of Ammunition, &c. Which Horse and Carters were to be  
ready at Newcastle upon Tyne by the 15th of June next; we are now by  
his Majesties special Command, to require your Lordship to give present  
and effectual order, that the said Horse and Carters be not brought to  
the said Rendezvous at Newcastle aforesaid, until the 5th of August  
next, when they are not to fail to be there: And for all other particulars  
mentioned in our said Letters, concerning the said Horse and Carters, the  
same are punctually to be performed and kept. And so, &c. Dated  
May 27. 1640.

Horse and  
Carters to be  
provided ac-  
cording to  
the List.

Bedford.

An. 1640.

| <i>Horses. Carters.</i> |    |    | <i>Horses. Carters.</i> |    |    |
|-------------------------|----|----|-------------------------|----|----|
| Bedford.                | 50 | 17 | Lincoln.                | 60 | 20 |
| Berks.                  | 30 | 10 | Middlesex.              | 30 | 10 |
| Buckingham.             | 50 | 17 | Northfolke.             | 60 | 20 |
| Cambridge.              | 50 | 17 | Northampton.            | 70 | 23 |
| Chester.                | 50 | 17 | Nottingham.             | 50 | 17 |
| Derby.                  | 60 | 20 | Oxford.                 | 40 | 13 |
| Dorset.                 | 20 | 7  | Rutland.                | 20 | 7  |
| Essex.                  | 60 | 20 | Salop.                  | 40 | 13 |
| Glocester.              | 50 | 17 | Somerfett.              | 20 | 7  |
| Hertford.               | 50 | 17 | Southampton.            | 50 | 17 |
| Hereford.               | 30 | 10 | Stafford.               | 50 | 17 |
| Huntington.             | 50 | 17 | Suffolke.               | 60 | 20 |
| Kent.                   | 20 | 7  | Warwick.                | 60 | 20 |
| Leicester.              | 70 | 23 | Worcester.              | 50 | 17 |
| Lancaster.              | 50 | 17 | Wilts.                  | 50 | 17 |

**M**ay 29. the *Convocation* having sat from the Dissolution of the Parliament on the fifth of *May* last till this day, they made in that time seventeen Canons: and the Oath therein contained, was as followeth:

The Oath.

**I** *A. B.* do swear, That I do approve the Doctrine and Discipline or *Government* established in the Church of *England*, as containing all things necessary to salvation: And that I will not endeavour by my self or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so established: nor will I ever give my consent to alter the Government of this Church, by Arch-Bishops, Bishops, Deans, and Arch-Deacons, &c. as it stands now established, and as by right it ought to stand; nor yet ever to subject it to the Usurpations and Superstitions of the Sea of *Rome*. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly, upon the Faith of a Christian. *So help me God in Jesus Christ.*

The Table of the Canons then made, do follow.

1. Concerning Regal Power.
2. For the better keeping the day of his Majesties most happy Inauguration.
3. For suppressing the Growth of Popery.
4. Against Socinianism.

5. Against



5. Against Sectaries.
6. An Oath enjoyned for the preventing of all Innovations in Doctrine and Government.
7. A Declaration concerning some Rites and Ceremonies.
8. Of Preaching for Conformity.
9. One Book of Articles of Enquiry to be used at all Parochial Visitations.
10. Concerning the Conservation of the Clergy.
11. Chancellors Patents.
12. Chancellors alone not to censure any of the Clergy in sundry cases.
13. Excommunication and Absolution not to be pronounced, but by a Priest.
14. Concerning Commutations, and the disposing of them.
15. Touching concurrent Jurisdictions.
16. Concerning Licences to marry.
17. Against Vexatious Citations.

Which Canons were all Voted *Nemine dissentiente*, except *Godfrey Goodman* Bishop of Gloucester, who did not relish the said Oath, (notwithstanding the main vertue and operation thereof was intended for the establishing of the Hierarchy); wherefore, for refusing to subscribe the said Oath, &c. he was suspended: but afterwards he submitted, took the Oath, and was released by the Kings Command; and writ a Letter to the Arch-Bishop of Canterbury: of which this which followeth is a Clause:

Dr. Goodman  
Bishop of  
Gloucester re-  
fuseth the  
Oath, &c.

**M**ost Reverend, &c. Bishop Mountague of Norwich did privately encourage me to dissent (though I confess I was little moved with his words; for I never had an opinion of that man) yet in publick to please your Grace, he pressed my deprivation, falsely quoting some Councils (God forgive him as I do) At that instant I could have proved, how that in his person he did visit and held correspondence with the Popes Agent, and received his Letters in behalf of his Son, who was then travelling to Rome, and by his Letters he had extraordinary entertainment there. This, Bishop Mountague would ascribe the credit which he had gotten was by his Writings, which in truth I think are not worth the reading.

His Majesty confirmed the Canons before mentioned under the Great Seal in manner following.

‘ **WE** of our Princely inclination and Royal care for the  
‘ maintenance of the present Estate and Government of the  
‘ Church of *England* by the Laws of this our Realm now settled and  
‘ established; having diligently with great contentment and comfort  
‘ read and considered of all these their said Canons, Orders, Ordina-  
‘ nances and Constitutions agreed upon, as is before expressed: and  
‘ finding the same such as we are perswaded will be very profitable,  
‘ not

An. 1640.

‘not only to our Clergy, but to the whole Church of this our Kingdom, and to all the true members of it (if they be well observed) have therefore for us, our heirs and lawful successors of our especial grace, certain knowledge, and meer motion, given, and by these presents do give our Royal assent, according to the form of the said Statute or Act of Parliament aforesaid, to all and every of the said Canons, Orders, Ordinances and Constitutions, and to all and every thing in them contained, as they are before written. And furthermore, we do not only by our said Prerogative Royal, and supreme Authority in Causes Ecclesiastical, ratifie, confirm and establish, by these our Letters Patents, the said Canons, Orders, Ordinances and Constitutions, and all and every thing in them contained, as is aforesaid; but do likewise propound, publish and straitly enjoin and command by our said Authority, and by these our Letters Patents, the same to be diligently observed, executed and equally kept by all our loving subjects of this our Kingdom, both within the Provinces of *Canterbury* and *York*, in all points wherein they do or may concern every or any of them according to this our will and pleasure hereby signified and expressed. And that likewise for the better observation of them, every Minister, by what Name or Title soever he be called, shall in the Parish Church or Chappel where he hath charge, read all the said Canons, Orders, Ordinances and Constitutions at all such times, and in such manner as is prescribed in the said Canons, or any of them: The Book of the said Canons to be provided at the charge of the Parish, betwixt this and the Feast of *St. Michael* the Arch-angel next ensuing: Straitly charging and commanding all Arch-Bishops, Bishops, and all other that exercise any Ecclesiastical Jurisdiction within this Realm, every man in his place to see and procure (so much as in them lyeth) all and every of the same Canons, Orders, Ordinances and Constitutions, to be in all points duly observed, not sparing to execute the penalties in them severally mentioned, upon any that shall wittingly or wilfully break or neglect to observe the same, as they tender the honour of God, the peace of the Church, the tranquillity of the Kingdom, and their duties and service to us their King and Sovereign. In witness whereof we have caused these our Letters to be made Patents: Witness our self at *Westminster*, the 30th day of *June*, in the 16th year of our Reign.

### A Letter directed to the Lord Mayor of London.

May 31.

1640.

For levying  
4000. Foot  
for the present Expedition  
into the  
North.

BY his Majesties Letters dated in March last sent herewith, you shall understand his Majesties pleasure and intention for the levying of 4000. Foot within the City of London and Liberties, to go in this present expedition into the North parts; By which Letters your Lordship is referred to us for such instructions and directions as shall be requisite for that service; We have therefore thought good hereby to pray and require your Lordship to take order in the first place, that Coat and Conduct money be levied for them, so as it may not fail to be ready by that time the said

men



men shall be raised; and that there be an especial care had in the choice of the men, that they be of able bodies, and of years meet for this employment, and well clothed; but none of the said men are to be taken out of the Trained Bands, which you are still to keep entire: Care is likewise to be had, and express order to be given, that the men to be levied, be all in a readines to march away by land by the first of July next; and that they be brought by their Conductors to such Rendezvouz as our very good Lord the Earl of Northumberland, Lord General of his Majesties Army shall direct, there to be delivered to such Captains or Officers, as shall be appointed by his Lordship to receive them. And for that it will be uncertain, what Conduct money will suffice for them, We think fit, that they be allowed eight pence a piece per diem sterling for fourteen dayes from the time they shall be delivered to their Conductors, under whose leading they are to march by reasonable journeys to the place of their said Rendezvouz, which we expect shall not be under fifteen miles a day. And we further pray and require your Lordship to make choice of fit and able Conductors, and to make a reasonable allowance, according to the presidents of former times, having regard to the proportion and number of men they are to conduct; enabling them with some assistance to keep their men from stragling and pilfering the Countrey as they go, or from running from their Colours. And your Lordship is further to take care that they be commodiously provided of Coats. All which money to be employed for the Coating and Conducting of the Soldiers, and pay of the Conductors, you are to take order that the same be levied in the City and Liberties, according to the presidents of former times upon other like occasions of service. And it is his Majesties pleasure, that the said moneys so disbursed, shall upon a just accompt thereof made, be repayed again out of his Majesties Exchequer, as in former times upon the like occasion. And we do likewise pray and require your Lordship, that at the delivery of the men to the Conductors aforesaid, the number and names of the persons may be received by Indenture between the said Conductors and such as shall have charge by your commandment to see the men delivered to them. Whereof one Duplicate is to be sent to the Board, and another to the Lord General, to the end there may be an account given when the same shall be required.

16 Caroli.

Oooooooo

Several

An. 1640.

# Several Orders of the Council concerning several Muti- nies of Soldiers in their march towards *Newcastle* against the *Scots*, in the Months of *June* and *July*.

At WHITE-HALL, June 21. 1640.

Present,

The King's Most Excellent Majesty.

|                                        |                                      |
|----------------------------------------|--------------------------------------|
| <i>Lord Arch-Bishop of Canterbury.</i> | <i>Earl of Holland.</i>              |
| <i>Lord Keeper.</i>                    | <i>Earl of Danby.</i>                |
| <i>Lord Treasurer.</i>                 | <i>Earl of Morton.</i>               |
| <i>Lord Privy Seal.</i>                | <i>Lord Goring.</i>                  |
| <i>Lord Marquess Hamilton.</i>         | <i>Lord Cottington.</i>              |
| <i>Earl Marshall.</i>                  | <i>Lord Newburgh.</i>                |
| <i>Lord Admiral.</i>                   | <i>Mr. Treasurer.</i>                |
| <i>Lord Chamberlain.</i>               | <i>Mr. Secretary Windebank.</i>      |
| <i>Earl of Dorset.</i>                 | <i>Lord Chief Justice Littleton.</i> |

June 21.  
1640.  
Concerning  
Riots in the  
County of  
*Berks*, and  
killing a  
Lieutenant  
(said to be a  
Papist.)  
See more  
p. 1153.

‘ **W** Hereas the Souldiers lately impressed in the County of  
‘ *Dorset* for the service of his Majesty in this Expedition in-  
‘ to the North parts, did in their passage through the County of  
‘ *Berks*, and in or near the Town of *Farrington*, being in number six  
‘ hundred men or thereabouts, fall into a most insolent and despe-  
‘ rate Mutiny, in which, amongst other outrages by them commit-  
‘ ted, they did in a Cruel and Barbarous manner murder Lieutenant  
‘ *Mohoune* one of their Officers ; upon consideration had thereof,  
‘ ( his Majesty being present in Council ) it was resolved and orde-  
‘ red, That a *Proclamation* should be forthwith drawn and published  
‘ for the finding out and apprehending of the principal Actors and  
‘ Abettors in the said Mutiny and Murder : Whereof his Majesties  
‘ Attorney General is hereby required to take notice , and ac-  
‘ cordingly to prepare a *Proclamation* ready for his Majesties  
‘ Signature.

Another Letter concerning a Mutiny in *warwickshire*, was written  
to the effect following :

At



At WHITE-HALL, June 28. 1640.

Present,

The Kings most Excellent Majesty.

Lord Arch-Bishop of Canterbury.

Lord Keeper.

Lord Treasurer.

Lord Privy Seal.

Lord Duke of Lenox.

Lord Marques Hamilton.

Earl Marshall.

Lord Admiral.

Lord Chamberlain.

Earl of Dorset.

Earl of Salisbury.

Earl of Bridgewater.

Earl of Holland.

Earl of Berks.

Earl of Lanerick.

Earl of Corke.

Lord Goring.

Lord Cottington.

Lord Newburgh.

Mr. Treasurer.

Mr. Secretary Windebanke.

Sir Thomas Rowe.

Lord Chief Justice of the Common Pleas.

‘THIS day (his Majesty being present in Council) the Board was informed, that the Soldiers under the Regiment of Colonel Lunsford, were fallen into such a Mutiny against their Officers, and disorders otherwise in the County of Warwick, in their passage through the said County, as that a great part of them are run away, and the rest persisting in so much disobedience, as that they are ready all to disband; and that there is such a general remissness and backwardness in the Deputy Lieutenants and others, to whom it appertains, to countenance and assist the Officers and Commanders in punishing and reducing them to conformity and obedience; and especially in the raising and following of Hue and Cryes for the apprehending of those that run away, as that they seem rather to foment, than to endeavour the suppressing and reformation thereof: upon consideration and debate whereof had, and for that Information hath been given to the Board from other Counties of the like Mutinies and disorders, and of the like remissness and backwardness, (though not altogether in so high a degree) in those that should assist the Commanders and Officers for punishing and suppressing the same; whereby a great number of the Soldiers are disbanded and run away, to the great disservice of his Majesty and the publick, and the high contempt and scandal of all Authority and Government: It was therefore resolved and ordered, That a Proclamation should be forthwith published throughout the Kingdom, requiring the Deputy Lieutenants and Justices of Peace in the severall Counties, and all others to whom it appertains, that they use all possible diligence and endeavour for the apprehending and punishing according to the Laws, of all those that shall be found to have run away from their Commanders and Officers; and likewise that they assist and endeavour all

Order concerning the Mutiny of Soldiers in the County of Warwick of Colonel Lunsford's Regiment.

An. 1640.

'that possibly they may, in punishing and suppressing of the Mutinies of the Soldiers against their Officers, or any other insolencies and disorders by them committed: Whereof his Majesties Attorney General is hereby required to take notice, and accordingly to prepare a Proclamation ready for his Majesties Signature.

The Privy Council being informed of another Mutiny in Herefordshire, and of some men slain, writ this Letter following.

A Letter directed to the Judges of Assize for the County of Hereford.

July 6.

1640.

Concerning a Mutiny in Herefordshire, wherein some were slain.

**A**fter, &c. We send you here enclosed a Copy of a Letter of Captain Hennis, one of his Majesties Commanders, complaining against the Bailiff of the Town of Lempster and other Officers, who (as is informed by the said Letter) first committed upon some occasion one of his Majesties Souldiers, and after raised the Town in Arms against the Commander and his Company, and caused the men of the Town to charge against his Majesties said Commander and Souldiers, whereby divers of the said Soldiers were slain, many hurt, and twenty four gone away from their said Commander, besides the Serjeant and Drummer, in such manner as by the said Letter herewith sent, you will perceive more at large. But in regard we know not how the business was carried, nor what ground the Bailiff, and the rest had to commit the said Soldier and to proceed as they did to the execution which followed, we have thought good to pray and require you, at the Assizes shortly to be holden for that County, to examine very particularly the whole proceeding of that tumult and uproar, and to cause Justice to be done. For which purpose we have prayed and required our very good Lord the Lord General, that some on behalf of the Commanders and Souldiers may be there by the twentieth of this Month, to give information and testimony of the Complaint. And so we bid you, &c. Dated the 6th of July 1640. Signed

Lord Privy Seal.  
Earl Marshall.  
Lord Admiral.  
Earl of Dorset.

Lord Goring.  
Sir Thomas Rowe.  
Lord Chief Justice.

Another Alarm came to the Privy Council from the County of Somerset, touching the Death of a Lieutenant, by the Mutiny of Soldiers: whereupon this following Letter was writ.

A Letter from the Council Board, to the Lords Lieutenants of the County of Somerset.

July 17.

Touching the Death of a Lieutenant by the Mutiny of the Soldiers.

**W**hereas we are informed that the Souldiers Levied in that County, falling into a desperate Mutiny against some of their Commanders and Officers, have slain a Lieutenant of a Company; Now to the end the same being of so high and dangerous Consequence may be exemplarily



rily punished, We do hereby pray and require your Lordships forthwith to cause some of the principal Actors and Abettors in the said Mutiny and Murder to be apprehended and committed to the Gaol, and herein your Lordships are to cause the Trained Bands to be raised and assist if there shall be cause. And in regard the Assizes for that County are at hand, and that a proceeding against them at that time would be the more exemplary, we therefore pray your Lordships to cause all possible diligence to be used for the Apprehending and Committing of them, so as that they may be brought to a Tryal at the said Assizes. And so &c. Dated the 17th of July 1640. Signed,

Lord Arch-Bishop of Canterbury.

Lord Keeper.

Lord Treasurer.

Lord Privy Seal.

Lord Marquess Hamilton.

Mr. Treasurer.

Mr. Secretary Windebanke.

16 Carolt.

A further Order of the Privy Council concerning the Mutiny of the Souldiers in Dorsetshire in killing their Lieutenant to the effect following.

July 28.  
1640.

Whereas the Souldiers lately pressed in the County of Dorset, for his Majesties service in this expedition into the Northern parts, did in their passage through the County of Berks, and in or near the Town of Farrington (being in number six hundred men or thereabouts) fall into an insolent and desperate Mutiny, in which (amongst other Outrages by them committed) they did most cruelly murther Lieutenant \* Mohoune one of their Officers, and in a most Barbarous and an inhumane manner dragg'd him through the Streets, and after hang'd up his dead body. His Majesty (now present in Council) out of a Princely care that an offence of this nature, and of so dangerous a consequence should not escape unpunished, hath caused John Ludlow, Robert Thrillcot, and Humphrey Edwards, three of the principal Actors to be apprehended and committed to Prison. And doth likewise order that a Proclamation should be published, for the apprehending and committing to Prison, John Lock, John Gates, Jeffery Stacey, William Garland, Richard Tice, Christopher Frompton, John Parsons, Robert Dibbin, William Bunne, and Christopher Drodge, who were all likewise principal Actors and Abettors in the said mutiny and murder; In which Proclamation also his Majesties Royal tender of Grace and pardon is to be declared and published to all such of those six hundred Souldiers (other than the persons before named) as either before the 13th day of July, now next coming, shall repair to Blandford in the said County of Dorset, and there render themselves to his Majesties Deputy Lieutenants of the said County; or before the 25th day of July next shall render themselves to Sr. Jacob Albly Sergeant Major General of his Majesties Army at the Quarters at or near Selby in Yorkshire, to be again received and imployed in his Majesties service. Whereof his Majesties Attorney General is hereby required to take notice, and accordingly to prepare a Proclamation ready for his Majesties signature.

Concerning the mutinies of the Dorsetshire Souldiers in their passage through Berks killing their Lieutenant.  
\* Whom they suspected to be a P p st.

An. 1640.

A Letter from  
the Lords of  
the Council  
concerning  
the death of  
Lieutenant  
Mohoun.

A Letter directed to the Lord Lieutenant of the County  
of Dorset.

**A**fter &c. Whereas his Majesty by his late Proclamation occasioned by the Mutiny and Barbarous Murder of Lieutenant Mohoun by the Souldiers Levied in the County of Dorset in their March and passage through the County of Berks, is pleased to declare and publish his Royal tender of Grace and pardon to all such of those six hundred Souldiers (other than the persons in the said Proclamation named excepted) who were guilty of the late Mutiny and Murder committed at Farringdon in the said County of Berks, as either before the said 13th day of July now next coming shall repair to Blandford in the said County of Dorset, and there render themselves to his Majesties Deputy Lieutenants of the said County, or before the 25th of July next shall render themselves to Sr. Jacob Ashly Sergeant Major General of his Majesties Army at the Quarters at or near Selby in the County of York to be again received and imployed for his Majesties service; We have therefore thought good hereby to pray and require your Lordship to give effectual order to your Deputy Lieutenants, That they cause such of them as shall render themselves by the time aforesaid to be kept together and to be sent by Conductors of their own, (to be appointed by the Deputy Lieutenants) to the General Rendezvous at or near Selby in the said County of York; And for the defraying of that charge such Monies of the Kings as were intended to carry them to the said Rendezvous which are remaining in the hands of Sr. Thomas Culpeper to be received from them by the Deputy Lieutenants, and to be employed on that behalf: and your Lordship is to cause the Deputy Lieutenants to give an account of such of the said Monies as they shall receive, and how the same is expended and imployed. And so &c. Dated July 30th, and Signed by

|                                 |                          |
|---------------------------------|--------------------------|
| Lord Arch-Bishop of Canterbury. | Lord Admiral.            |
| Lord Keeper.                    | Lord Cottington.         |
| Lord Treasurer.                 | Lord Newburgh.           |
| Lord Privy Seal.                | Mr. Secretary Windebank. |

Another Alarm came to the Court of Insolencies committed by Souldiers in the County of Essex, whereupon this ensuing Order was made.

July 29.  
1640.

A Letter directed to the Earl of Warwick and Lord Maynard, Lords Lieutenants of the County of Essex.

Insolencies of  
Souldiers in  
the County of  
Essex.

**A**fter &c. to your good Lordships. We have been made acquainted with the Letter of the 27th of this present to Mr. Treasurer, and do not so much marvel at the Insolencies and outrages therein mentioned to be committed by the souldiers (though they be of a high nature) as at the remissness of those in Authority in not preventing or repressing the same in an exemplary way, according to the quality of the offences and the great trust reposed in them for the service of his Majesty, and the  
publick



publick peace and quiet, and more particularly, that the high Sheriff who hath the power of the County at his Command should suffer such an outrage to be acted, and the Actors to escape unapprehended or unpunished in the Town and place where himself hath his house and residence. And whereas we find by your Letter that William Bates one of the Delinquents is already Committed to the Gaol of Colchester, and one other of them (whose name is not mentioned) to the house of Correction at Chelmsford; we think fit that the last should be likewise committed to the Gaol of Colchester, and that charge should be given for the keeping them both in very safe and strict Custody, and that your Lordships should give order for a sufficient watch and guard to be in readiness near the said Prison or Prisons where they or any other their Associates or Abettors shall be committed for the preventing of any violence, or rescue that may be attempted by the Souldiers for their delivery out of Prison. And we do likewise think fit that your Lordships should cause speedy and effectual order to be taken for the apprehending such others as were principal actors therein, and to commit and continue them in strict and safe Imprisonment until upon our acquainting his Majesty herewithal, your Lordships shall receive further order and direction for proceeding against them, and that for the future more care and diligence be used for the suppressing of any the like insolencies which shall happen to be attempted as well by raising the power of the County as by all other round and compulsory wayes. And so &c. Dated the 29th of July 1640. Signed

16 Carol.

Lord Arch-Bishop of Canterbury. Lord Cottington.  
Lord Keeper. Mr. Treasurer.  
Lord Treasurer. Mr. Secretary Windebanke.

A Letter to the Lord Chief Justice Brampton.

**H**IS Majesty being informed of a Mutiny and Tumult that hath been lately raised at or near Chelmsford in the County of Essex, by the Souldiers Levied in that County for his Majesties service, hath been pleased to direct a Commission of Oyer and Terminer to be forthwith sent to your Lordship and others for the present punishment of some of the principal offenders to prevent further Mischiefs and Inconveniencies.

To which purpose your Lordship is by his Majesties express command to hasten to Chelmsford to morrow, there to take effectual order that the said Commission be sate upon with all possible diligence, that by the speedy and exemplary punishment of some of the said Delinquents, the rest of the Souldiers may be kept in better order. And thus not doubting your Lordships speedy and effectual care of a business of this Importance, We bid &c. Dated the third of July, 1640. Signed,

Lord Arch-Bishop of Canterbury. Lord Goring.  
Lord Keeper. Mr. Secretary Windebanke.  
Lord Privy Seal. Sir Thomas Rowe.  
Lord Admiral. Lord Chief Justice of the Common Pleas.  
Lord Chamberlain.

Having done with Mutinies of Souldiers in the moneth of June and July, let us now return to matters independent which hapned in those two moneths.

At

July 30.

1640.

Concerning a  
Mutiny near  
Chelmsford in  
Essex.

An. 1640.

At the Court at WHITE-HALL,  
June 9. 1640.

Present

The Kings Most Excellent Majesty.

Lord Arch-Bishop of Canterbury.  
Lord Keeper.  
Lord Treasurer.  
Lord Privy Seal.  
Lord Duke of Lenox.  
Lord Marquess Hamilton.  
Earl of Dorset.  
Earl of Salisbury.

Earl of Berks.  
Earl of Morton.  
Lord Goring.  
Lord Cottington.  
Lord Newburgh.  
Mr. Treasurer.  
Mr. Comptroller.  
Mr. Secretary Windebanke.

Order upon  
John Crew  
Esq; his Peti-  
tion.

‘UPON Consideration this day had at the Board of the Petition ex-  
‘hibited by *John Crew* Esq; now close prisoner in the *Tower*,  
‘for his miscarriage and offence, expressed in an Order of the Board  
‘of the tenth of *May* last; their Lordships not being satisfied with  
‘the submission and acknowledgement by him made in the said Pe-  
‘tition, in that he pretended rather to have done what he did out of  
‘Ignorance, than acknowledgeth it (as he ought to do) to be an  
‘offence; It was therefore thought fit that he should not be dischar-  
‘ged of his Imprisonment, until he had mended his Petition in that  
‘particular, and had likewise signed the Petition so amended under  
‘his own hand; and had also made an affidavit before a Master of  
‘the *Chancery* to the effect following, viz.

‘The Petitioner maketh Oath that he hath delivered to the Lieu-  
‘tenant of the *Tower* all such Petitions, Papers and Complaints as he  
‘received being in the Chair at the Committee for Religion the last  
‘Parliament, a Catalogue whereof was annexed to his Petition.

‘For the making of which affidavit, the Lieutenant of the *Tower*  
‘is hereby authorised and required to permit him to go with a  
‘Keeper before a Master of the *Chancery*.

But the said Mr. *Crew* did not think fit to do the same, and there-  
by to bring into Question in the *High Commission* many silenced Mi-  
nisters who had Petitioned the Parliament for relief, being suspen-  
ded and deprived for not reading the *Book of Sports* on the *Lords*  
*Day*.



16 Caroli.

A Letter from the Lord Conway to the Arch-Bishop of Canterbury.

July 13.  
1640.

**T**HE Deputy Lientenants and Captain Alcocke did send me a fierce Alarm from Carlisle, desiring me to send them five hundred Horse, because the Scots are within a few dayes of Dumfrise, seven or eight thousand, with which Army they mean to fall into Cumberland, but I am slow in answering the spur, because the advertisement of the Scotch preparations on this side are not such as that they may be much feared as yet : in my opinion the Scots will not come into England ; but lest they should go against the rules of right reason, I do provide as if they were coming ; The Horse are now come to the north part of Yorkshire, into Cleaveland ; the Foot about Selby were disorderly, and took out of Prison those that were committed ; but now a guard is set upon the Prison, and they begin to be better in order.

The Lord Conway to the Archbishop of Canterbury of an Alarm from Carlisle.

One thing I will tell you, and shall desire that you will speak with my Lord Lieutenant in it : I did write to him of it, but I have not heard any thing from him, so that I think that in his sickness, believing that my Letter did only contain news of Scotland, he did not read it ; the business is this, My Lord of Northumberland did write to me, that having had occasion to look into the power he hath to give Commissions, the Lawyers and Judges are all of opinion that Martial Law cannot be executed here in England, but when an enemy is really near to an Army of the Kings, and that it is necessary that both my Lord of Northumberland and my self do take a pardon for the man that was executed here for the mutiny ; If this be so, it is all one as to break the Troops, for so soon as it shall be known, there will be no obedience ; therefore put some remedy to this by all means very speedily : there are now here in Prison two men for killing of men, and the Provost Martial for letting them scape out of Prison, although he took them again : I do forbear to call them to a Council of war, neither dare I tell the reason why I do not, being often urged, but suffer them to think me negligent ; I do not think it fit that the Lawyers should deliver any opinion ; for if the Souldiers do know that it is questioned, they will decide it by their disobedience, as the Countrey doth by their Ship-Money, and with far more dangerous consequence, for the Souldier may bring the Countrey to reason, but who shall compel the Souldier ? therefore if it cannot be helped with a Commission of Oyer and Terminer, which must be only in the Officer or Officers of the Army, or in some special Commission of the Kings, such as he gives when Noblemen are arraigned ; let him then give under his own hand a Commission for the execution of Martial Law, to him that will hazard his life and estate upon the Kings word Sir Jacob Ailley hath no Commission for the execution of Martial Law, but if the fault deserve death, he is to advertise my Lord of Northumberland ; this will absolutely undo all : the Souldier must be punished by his officer : if it would come to debate, some may peradventure say, that for faults that deserve death, the Souldier may be sent to the Gaol to be tryed by the Judges, this will take away the respect of the Souldier to the Officer, and there will presently be no obedience, or care, either in Souldier

Concerning Martial Law.

An. 1640.



dier or Officer. I think that this doth so much concern the King in the Government of the Army, that if a Lawyer should say so here, if I had a Commission I would hang him, and so I think the King ought to do others. I shall ever be

Your Graces most humble and  
most faithful servant,

Newcastle June 13.

1640.

Conway and Kilulta.

June 17.

1640.

### A Letter to the Lords Lieutenants of the Counties of Cumberland and Westmerland.

Watches to  
be kept upon  
the Borders  
of Scotland  
as usual.

After and amongst other particulars taken into Consideration by his Majesty and the Board concerning the safety and defence of the Realm; especially in those parts, which are most exposed to danger: these following being of great importance were resolved on as fit to be speedily and timely provided for; viz.

\* Spy Cragg.

1. That strict watches should be kept upon the passages of the Borders into Scotland by the several Townships as formerly hath been \* accustomed in times of Hostility, and that the Beacons be so watched and kept as that they be fit and serviceable upon any suddain occasion or Alarm.

2. That search and inquiry should be made what store of Corn there is in any of the Graineries or Barnes on the other side of the River of Eden, betwixt it and Scotland; and that no persons should keep by them more provision of any kind (especially of Corn) than should serve their Families respectively for a week, and the rest to be put in places of safety, lest the enemy might surprise and possess himself of it.

3. That it being the usual manner in those parts to take one thousand or fifteen hundred Cattle to Justice or Depasture in the Summer time, and to have none but a boy or two to look to them; That those who receive the profits of the Justice of those Cattle may be compelled to keep such and so many Herdsmen as may presently upon notice and warning, drive those Cattle over the Eden, that they may be the better secured from the pillage of the Enemy; We have therefore thought good in his Majesties name, and by his express command hereby to pray and require your Lordship, and in your absence your Deputy Lieutenants to give speedy and effectual order concerning the premises: hereof we require a speedy execution and your answer. And so &c.

June 30.

1640.

A sharp Letter for not levying of money.

### A Letter to the High Sheriff of the County of Huntingdon.

After &c. We have read and considered of your Letter of the 24th of this present, wherein we perceive that you have been rather industrious to represent the difficulties which (as you say) you find in the execution of his Majesties Writ, than circumspect and careful as you ought to have been in overcoming and removing them; and yet you well know that there are none of those difficulties against which you are not armed by his Majesties Writ, and for which you have not already received directions how



how to proceed by your Instructions, and former Letters from this P.  
And we cannot but make this judgement upon your proceedings, that instead  
of doing your duty in person, and compelling others subordi- nate to  
do theirs, you endeavour to make excusis both for your self and them. And  
therefore we will you again to know, that his Majesty and the Board expects  
and requires that you perform and expedite the service according to the  
Writ and Instructions sent you therewith. And in case of your further  
neglect therein, whereby you are the cause (for so much as concerns this  
County) that the service of his Majesty and the publick both in honour  
and safety shall suffer and be endangered, there will be a round Course ta-  
ken against you, and quick and exemplary reparation required of you, pro-  
portionable to the ill effects and dangerous consequence of your neglect;  
and if upon this admonition you shall refuse to redeem your former Omis-  
sions and Disservice, and shall only make discourses and excusis as hitherto  
you have done, instead of acting and performing your Duty, this will like-  
wise be added to your account, And so &c.

16 Caroli.

**M**R. Attorney General did this day present to his Majesty and the  
Board, a Copy of the Commission of Array settled by Parliament  
in 5 H. 4. Upon reading whereof, and upon mature debate had  
thereupon, It was thought fit and Ordered by his Majesty, with ad-  
vice of the Board, that the Lord Keeper of the Great Seal of England  
shall issue out Commissions of Array in the form aforesaid, for each of  
the severall Counties in England and Wales; directed to the Lords or  
Lords Lieutenants of the said severall Counties, and the Sheriff of  
the said Counties, and such other of the Deputy Lieutenants by  
their names or others, being three or more, as the said Lords Lieute-  
nants shall recommend. And his Majesty and the Board did de-  
clare that there is no intention by this Commission of Array to de-  
rogate from, or in any sort to abridge the Commissions of Lieutenancy al-  
ready issued, or to be issued, but that the Lords Lieutenants may  
make use of these concurrent Commissions of Array, where they shall  
find a fit occasion for the advancement of his Majesties service.

July 1.

1640.

Concerning a  
Commission of  
Array to  
Lords Lieute-  
nants of Coun-  
ties.

A Letter to the Lord Maynard, Lord Lieutenant of Cam-  
bridge.

July 3.

1640.

**A**fter &c. Whereas the necessity of the defence of the Realm at this time  
doth continually require from us a care by all fit means to provide for  
the strength and advancement of his Majesties service, and Army now in  
raising for the Northern parts and all things incident thereunto. For  
which purpose there is nothing more necessary than a fit provision to be  
made of Horses for the Train of Artillery; and for the Carriage of Am-  
munition and other requisite provisions. We have thought fit to pray  
and require your Lordship to take order that there may be provided  
fifty strong and able Horses, and seventeen able Carters to take care of  
them within the Limits of your Lieutenancy in such places where they  
may be most conveniently had, to be ready at New-castle upon Tyne by  
the 20th of this instant July. And for the charge of sending the Horse  
and Carters to the Rendezvous at Newcastle, that is to be born  
by that County; but when they shall arrive there they shall enter into

Concerning  
Horses and  
Carters to be  
brought to the  
Rendezvous  
at Newcastle.

An. 1640.

his Majesties pay of 12d. per diem for every Horse, and 8 d. per diem for every Carter, and shall be continued therein so long as they shall remain in his Majesties service, and when they shall be discharged, an special care shall be had and a convenient allowance made for their return home again. And Lastly, We do expect and require the Justices of peace and other officers in their several divisions to be aiding and assisting to your Lordship and your Deputy Lieutenants in the performance of all this service as they are directed by his Majesties Letters of Lieutenancy to you under the Great Seal, and as practice hath been in former times. Whereof the said Justices of peace and other Officers are to take notice upon your imparting these Letters unto them. And so &c. Dated the third of July, 1640.  
Signed by

Lord Archbishop of Canterbury.  
Lord Keeper.  
Lord Goring.  
Lord Privy Seal.  
Lord Newburgh.

Mr. Secretary Windebanke.  
Sir Thomas Rowe.  
Lord Chief Justice of the Common Pleas.

July 4.  
1640.

A Letter to Sir Thomas Grimes one of the Deputy Lieutenants of the County of Surrey.

Concerning  
Coat and Con-  
duct Money  
in the County  
of Surrey.

**A**fter &c. we send you here inclosed warrants for apprehending of all the parties which you have returned refusers to pay the Coat and Conduct Money, and for the three Constables who have made you no return, and we have sent down two Messengers of his Majesties Chamber; but by reason that the Delinquents are so very many, we did not think fit to deliver the warrants to the Messengers themselves, but have sent them inclosed unto you, to the end that by notifying to the parties either by the Messengers themselves, or by such other means as you shall think fit, you may draw as many to Conformity as will be willing to avoid their further trouble and charge, and for those that shall stand out, you are to give direction upon whom they shall serve the warrants, and then as many of them as shall conform, we do think fit that they be discharged there, without coming up to their further trouble and charge. But for such as shall not be Conformable, they must of necessity be brought up. In all which proceedings we do advise that the most able and the most refractory should be first begun with, and the rest by their example be reduced if it may be: and because in so general a case there may be some miscarriage by the Messengers under colour of their Fees; we have sent you a copy of the Order of the Board in that behalf of the ninth of December 1635. to the end it may be observed. And although we are willing to let you understand our Opinions for your better encouragement in these proceedings, yet because there may be much variety in the particular cases, we do rely our selves upon your discretion (whereof we have received good proof in your long service) for direction of the execution of the inclosed warrants, as you shall find most conducing to his Majesties service. Dated the 4th of July, 1640.

At



At WHITE-HALL, July 5. 1640.

Present

The Kings Most Excellent Majesty.

Lord Arch-Bishop of Canter-  
bury.

Lord Keeper.

Lord Treasurer.

Lord Marques Hamilton.

Earl Marshall.

Earl of Salisbury.

Earl of Bridgewater.

Earl of Holland.

Earl of Berks.

Earl of Strafford.

Earl of Corke.

Lord Goring.

Lord Cottington.

Lord Newburgh.

Mr. Treasurer.

Mr. Secretary Windebanke.

Sir Thomas Rowe.

Lord Chief Justice of the Com-  
mon Pleas.

‘**W**Hereas the Lord Mayor of *London* and the two Sheriffs did  
‘this day appear before his Majesty and the Board, to give  
‘an account of their proceedings upon the Writ for the *Ship business*  
‘this present year : Forasmuch as it did appear, that besides all  
‘former neglects in the execution of that Writ, his Majesty having  
‘respited the Information against them for the same; yet they have  
‘not since distrained any one person according to the said Writ. It  
‘was this day ordered by his Majesty with the advice of the Board,  
‘that his Majesties Attorney General shall forthwith prefer an Infor-  
‘mation in the *Star-Chamber* against the Lord Mayor and Sheriffs of  
‘*London* and *Middlesex*, for their contempt and default in the execu-  
‘tion of the said Writ; and shall forthwith proceed against them  
‘*De die in Diem*, until the Cause be ready for hearing : and if upon  
‘Examination of the said Cause, his Majesties Attorney General shall  
‘find sufficient Cause against any of the Aldermen, that then he do  
‘prefer one other Information against the said Aldermen; and in  
‘like manner do proceed against them apart.

Mr. Attorney  
to proceed  
against the  
Lord Mayor  
and Sheriffs  
of *London* and  
*Middlesex* in  
the *Star-  
Chamber*.

Several Letters written of the tenour following, to most  
of the Justices of Peace of the County of *Middlesex*,  
for the gathering in of the Coat and Conduct Money in the  
said County.

July 12.  
1640.

**A**fter, &c. Whereas we have received a Certificate from you of your  
proceedings for the Collection of the Coat and Conduct Money in  
your *Jurisdiction*, for which we give you thanks; we have thought fit to send  
you here inclosed, Warrants for apprehending of all the parties which you  
have

Concerning  
Coat and Con-  
duct-money  
in the County  
of *Middlesex*.

An. 1640.

have returned to refuse to pay the said Coat and Conduct Money, or otherwise to perform their duty in that service, which we have sent by a Messenger of his Majesties Chamber. But by reason that the Delinquents are so very many, we did not think fit to deliver the Warrants to the Messengers themselves, but have sent them inclosed to you; to the end, that by notifying to the parties, either by the Messengers, or by such other means as you shall think fit, you may draw as many to conformity as will be willing to avoid their further trouble and charge, and for those that shall stand out, you are to give direction upon whom the Messengers shall serve the Warrants, and then as many of them as shall conform, we do think fit that they be discharged there by you, without coming up to their further trouble and charge. But for such as will not be conformable, they must of necessity be brought up. In all which proceedings we do advise, that the most able and most refractory should be first begun with, and the rest by their example be reduced, if it may be. And although we are willing to let you understand our opinion for your better encouragement in these proceedings, yet because there may be much variety in the particular cases, we do rely our selves upon your discretion, (whereof we have received good proof in your last service) for direction of the execution of the inclosed Warrants, as you shall find most conducing to his Majesties service. And lastly, whereas by our former Letters to you, you were limited to give us an account by the seventh of July, we have now thought fit, to enlarge the time until the eight and twentieth of this Month; at which time we do pray and require you to return us a new Certificate, how you have proceeded since the receipt of these our Warrants, in the like manner as your former Certificate was made.

At WHITE-HALL, July 12. 1640.

Sheriff of  
Suffolk to be  
proceeded  
against in the  
Star-Chamber.

‘HIS Majesty and the Board taking notice of the great neglect and contempt of Sir Symonds Deyes Knight, now High Sheriff of the County of Suffolk, in not executing the Writ for the Shipping business for this present year, have thought fit and ordered, that Mr. Attorney General shall forthwith proceed against the said Sir Symonds Deyes in the Star-Chamber.

Folio



From Northamptonshire, July 1640.

Grounds of exception against the Oath, &c. required in the Sixth Canon establisht in the Synod 1640.

**T**He taking of this Oath doth seem to establish the legality of it, and prepare a way for the imposing of other new Oaths; whereas it is questionable, whether any Oath may be imposed, not establish't and appointed by Parliament.

1.

The taking of it, may seem to approve the exacting of it of all the persons of whom it is required; many of whom cannot take it (probably) in judgement, as not being acquainted with the Doctrine and Discipline of the Church, nor the Controversies concerning them.

2.

It is required, we should swear all things necessary for salvation to be contained in the Doctrine and Discipline of the Church of England.

3.

1. It is not declared, What is to be accounted the Doctrine of the Church.

The Book of Homilies hath been disclaimed: The Articles claimed by the *Arminians* and others, and some of them corrupted.

2. It hath not been conceived, that any particular kind of Discipline was necessary to salvation.

The *Presbyterians* have been derided and writ against, for making the Discipline a part of the Kingdom of Christ.

It's acknowledged, That the Reformed Churches that differ from us in Discipline, want nothing necessary to salvation.

It's required to swear, Not to consent to the alteration of the Government by Arch-Bishops, Bishops, Arch-Deacons, &c. as it is by Law established, and by right they ought to stand: which Clause we dare not swear to, for these causes:

4.

1. Because we judge it unlawful to swear the perpetuation of any meer Ecclesiastical Ordinance which is subject to such corruptions as may necessitate an alteration; and such we judge this Government to be, at least in part; for Arch-Bishops, Arch-Deacons and Deans are but Ecclesiastical, whatever may be said for Bishops.

2. We have taken the Oath of Supremacy, by which we acknowledge the Kings Majesty and his Successors Supream Head of the Church, and Governour in Causes and over Persons Ecclesiastical as well as Civil, which this Oath seems to contradict.

In that,

1. It binds from consenting to the alteration of Church Government, so that if the King or his Successors should alter it,

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it, we must dissent and preach against them, as in the eighth Canon.

2. It binds to acknowledge a further Right that Arch-Bishops and Bishops, &c. have in the Government of Church, than that which is given them by Law, meaning a Divine Right, as we are induced to believe:

Because,

1. Many Bishops have so declared themselves.
2. In the first Canon they have not given the King any power in Ecclesiastical Government, disclaiming only Papal, Popular, Independent, co-active power, but not Episcopal; whereas the Controversies of this time require a more precise and open declaration.
3. It seems to make more account of the Discipline, than of the Doctrine of the Church; for in that we abjure Consent to any alteration, in this we abjure endeavour to induce Popish Errours only.
4. This Clause is administered with an &c. which we conceive was never tendered in any Oath before now.
5. There are some things in the Discipline of the Church, which we have just ground to desire and endeavour the alteration of, should it be offered. As,

That the Bishop delegates his power to be officiated by a Chancellor, whereby it comes to pass, that the sentence of Excommunication, which is incompatible with a meer Lay-man (as our Church teacheth against *Presbyterians*) is devolved upon a meer Lay-man, and the Plaister provided by the thirteenth Canon is too narrow for this soar.

For,

The Grave Minister to whom the pronouncing the Sentence belongs, is but the Chancellors Voice to speak what he decrees; and so the power of Excommunication is still in him.

5. The whole Oath is filled with so many ambiguities, that we dare not take it.

6. The taking of it, makes us approve of the Synod, by which there are induced and tolerated divers Ceremonies contrary to the Book of Common Prayer, which we have subscribed unto, and must in this Oath (if we take it) abjure.

7. It is required, to be taken heartily and willingly, and yet they that refuse it, are threatened with severe punishments; by which means it is to be feared, that many that are weak, may forswear themselves.



*The Queries of Kent concerning the Oath &c.*

1. **W**Hether it be lawful to take an Oath with an &c. where there may be a doubt, how much is thereby signified?
2. Whether to affirm in an Oath, that such a thing ought so by right to stand, doth not suppose it to be a Divine Right?
3. Whether it be lawful to swear the perpetual maintaining any Order merely Ecclesiastical?
4. Whether the Superiority of Arch-Bishops above Bishops, and the substitution of Arch-Deacons, Deans, &c. be not merely Ecclesiastical.
5. Whether when Divine Authority hath ordained only Bishops to be Church Governours, particularly in point of Excommunication, it be lawful to consent any more than passively, to any other Governours Ecclesiastical, to exercise the same Authority of Excommunication?
6. Whether since the Church of *England* rejects the Lay Elders of other Churches, it doth not thereby condemn the giving of any power to Commissaries, Chancellors and Officials which are merely Lay-men, to meddle in Excommunication even jointly with Ministers, much less as chief Surrogates, being but his Deputies and Ecclesiastical?
7. Whether the Scriptures Authorize such power being given to meer Lay-men?
8. Whether having sworn to the Kings Supremacy in all causes Ecclesiastical, it be not a violation of that Oath, or at least a hazard of it in time to come, to swear not to give consent to such an alteration in Government, which may at least possibly be thought fit, and even be commanded with all Authority by the King or any Successor of his hereafter.

*Devonshire Exceptions to the Oath.*

1. **T**Hat they are bound to take it willingly, which they cannot do with safe Conscience, and so shall be perjured *ipso facto*.
2. That they must swear sincerely, without any mental reservation, yet that &c. in the Oath, referreth and implyeth somewhat more than is expressed, which they must conceive or understand.
3. That they must acknowledge both the Doctrine and Discipline of our Church, to contain all things necessary to salvation: which is not true of the Discipline.
4. That they are tyed never to give consent to any alteration of the said Discipline, though the King and State should enjoin them thereunto.
5. That it crosseth or contradicteth the Oath of Allegiance and Supremacy which they have already taken; because if the King by Parliament would disanull any part of the Ecclesiastical Discipline, or by a Synod shall alter it, they are bound never to consent.

An. 1640.

6. That it is a flat bandy against the power of Parliaments ; because the Clergy can constitute no Canons, much less create or impose Oaths, unless the Parliament confirm them : and therefore they think it a project to suppress all Parliaments for ever.

7. That it clips the wings of the Kings Royal Prerogative and Spiritual Supremacy, bereaving him and his Successors from altering any thing in Church Government, either by Synod, Convocation or Parliament.

The main foundation the Clergy build upon, is the general resolution of the Lawyers, that no Oath can be ordained, nor any authorized to give it, unless it be first established by Parliament.

This Week being our Assizes, the Gentry and Clergy have taken much pains to frame a Petition against the Oath in the new Canon, wherewith goeth the heads on which they ground their Petition : my Lord of Bath first firmed it, most of the Gentry and Clergy that were here have firmed it ; and they say Mr. Wise, and Mr. Sermon, our Parliament Knights, have undertaken to deliver it, what ever answer they have. I believe very few in this County will take the Oath ; besides it doth open mens mouths extreamly against the Arch-Bishop.

August 8. 1640.

## To the Right Honourable the Lords of His Majesties most Honourable Privy Council.

The most humble Petition of the Subscribers, with the  
Consent of many Gentlemen and others of good  
Worth of this County of Devon,

Sheweth,

A Petition  
from Devon-  
shire against  
the Oath, &c.

**T**Hat your Petitioners observing to their comfort, your Lordships constant providence for his Majesties honour and service, and by experience often finding your Lordships to be favourable Mediators to his most excellent Majesty in behalf of his Subjects in many of their Grievances, which his Majesty hath lately graciously declared himself ready to redress, they are thereby heartened to tender to your Lordships consideration, some scruple of their Consciences, and other doubts of great inconveniencies arising from the Oath expressed in Canons lately made by the Reverend Synod, which as they conceive, do not only concern your Petitioners and their posterity, but his Majesty and his Successors in his Royal Dignity and Prerogative : his Majesties Supremacy of the Church of England, whereunto most of your Lordships Petitioners have been often sworn ; and by that Oath, are in express words bound to defend it ; they believe will be mainly weakned, if not in substance totally subverted and taken away, if this new Oath doth receive the intended permission. The Doctrine of this Church, no good Prote-  
stant



stant will deny, to contain all things necessary to salvation; but the Discipline, many men think worthy of Reformation. The Book of Common Prayer in the Communion doth wish it, and the late Synod endeavoured it in part Canon 17. had they thought fit to have done it more fully, their Acts confirmed by his Majesty had been no less lawful; for most of the Officers of Discipline, have their Jurisdiction merly from the King, as is plainly declared 37 H. 8. 17. and it cannot be denied, but that they may by him be changed. What pretence then can be so fair, or intention so good, as to justify an Oath binding subjects from ever consenting to their Princes lawful Prerogative in doing lawful acts? It must needs in short space make the whole Clergie and most of the Laity to be in Spiritual matters independant on the Crown. If the abuse of Excommunication, which hath been a long noted spot in our Church, cannot be really Reformed, until that long List of Officers which the Synod thought fit to involve in an &c. and are not known to many, do suffer a change by his Majesties Royal Prerogative, then certainly this Oath once generally taken, his Majesty will want means, because he shall have no instruments (indeed no Subjects) when the younger Laity shall take it in the Universities, to make this Reformation in Discipline, whensoever God shall put it into his religious and Princely heart; so will his Majesty and his Successors to the great grief of your Lordships Petitioners, be for ever abridged of that free power in the Supremacy of this Church, which their Ancestors ever had and have enjoyed as their due right and chief flower of their Crown since the Popes just rejection: had this course been thought on in the time of the Popes reign here, the Doctrine of the Church had never attained the present purity. Other inconveniencies which your Lordships Petitioners confidently suppose, will follow the taking this Oath, will be these; no decrease of Popery as is pretended, every Changeling to that Religion may have his dispensation for this or any other Oath: But this Oath striking deeply at the root of many Conscientious and constant preaching Ministers, whose purity and zeal to the peace of the Church, hath led them hitherto to dutiful conformity, must needs deprive them, if they take not the Oath, both ab Officio & Beneficio, and consequently duce a general ignorance, the mother only of Popish devotion. Again, your Petitioners do verily believe, that this Oath used as is enjoined in the Universities, will in short space prove their great dammage and decay: for all those that account it crossing with the Oath of Supremacy, will seek their Childrens breeding in any other Countrey rather than this, where they will be subject to an enlargement, opposite to the Laws of this Kingdom, namely, the 25 H. 8. 19. and 37 H. 8. 17. and 1 Eliz. 1. and the other binds to nothing but to duty and obedience to the Laws, and the defence and maintenance of his Majesties Royal Prerogative as Supream Head of this Church, by the Oath of Supremacy the takers are bound to defend it; and by this new Oath taken they must never consent to the use of it in matters of greatest moment: It is therefore the most humble desire of your Lordships Petitioners, that your Lordships would vouchsafe your noble mediation to his most excellent Majesty, that he would be pleased piously to weigh these doubts of theirs, no less concerning his undoubted Right, than it doth the growth of the true professed Religion, as dear to them as their lives, and their consciences no less dear to your Lordships most humble Petitioners.

An. 1640.

Scotland,  
Jun. and  
July.Concerning  
the Proro-  
guing of the  
Parliament.

**L** Et us see what they have been doing in Scotland these two Months of *June* and *July*: for on the second of *June* there was a Parliament to meet; but it seems the King had sent an Order to the *Justice Clerk* to Prorogue it; and he is to carry along with him in this affair, the Assistance of the *Kings Advocate*, who was at this time confined to his house in *Fife*, upon pretence of some miscarriage in his Office; but really because he was suspected to adhere to the Covenanters: the *Advocate* was glad upon this occasion to be delivered from the disgrace of Confinement, and to be honoured with the Employment.

It is to be observed, that when *Traquaire* got his Commission under the Broad Seal, there was another Commission given under the Quarter Seal to the Lord *Elphinstown*, the Lord *Napier*, the *Kings Advocate* and the *Justice Clerk*; these, or three of them, were impowered to act as Commissioners in *Traquaire's* absence: and upon his Orders therefore the *Kings Advocate* adjudged it needless to fill up a Blank that was sent down to be made use of, if need were, to make the Prorogation Legal, but resolved to require one of the other two to concur with the *Justice Clerk* and himself in the Prorogation, which was to be done after the Parliament was *Fenced*: therefore they provided the persons necessary for Fencing of it, (a Ceremony they use in the beginning of a Session) who are the *Constable*, the *Marshal*, the *Provost* of *Edinburgh*, the *Sheriff* of *Lothian*, and a *Doomester*; and if any of these be absent, the King must name others for their service that day. So the Members of Parliament being met, the *Kings Advocate* required the Lord *Elphinstown*, who was first in the Commission, to go up with them to the Throne, for executing the Kings Commands; who having read the Commission, found their Power was only to act by the Commissioners Order, and therefore called for *Traquaire's* Warrant: The *Kings Advocate* answered, That as when the King is present, a Commissioners Power of it self expires; so also when his Warrant is produced, there is no need of one from his Commissioner: but *Elphinstown* stood on the Letter of the Commission, and so found he was not Legally warranted to do it. The like was the Lord *Napier's* Answer, who was also of the Commission; and so the *Kings Advocate* and the *Justice Clerk* could do nothing, but take Instruments.

By which Department of the *Advocate*, the Members of Parliament proceeded to Vote themselves to be in a Parliamentary Capacity, as being Summoned by the King at first, and again Adjourned to this day. Whereupon they proceeded to the Enacting of what they had designed the former year: and their Acts, though of great importance, yet meeting no opposition, were quickly dispatched. All which, with a Prologue and Epilogue of two High Declarations, were sent in the Pacquet to the Earl of *Limerick*, with the following Letter, written by a Committee of Lords, whom they had left to sit at *Edinburgh*, to attend the Kings Answer concerning the Acts of the Parliament sent up to his Majesty by their Commissioners.

Right Honourable,

**I** It is not unknown to your Lordship, with what Afflictions this King  
 does but provide for the time, in relation to their Religion and Li-  
 berties against the Abuse of his Instruments with his Majesty to the con-  
 trary.



trary. The means which they have used, have been no other, but such as they humbly petitioned and obtained from his Majesty, a free National Assembly and Parliament. The Assembly went on in a fair way, and was closed with the liking and full consent of his Majesties Commissioner; but the Parliament Indicted by his Majesty was prorogated, till the Reasons of the Demands of the Estates were rendered to his Majesty; which having done by their Commissioners, they kept the second of June (the day appointed by his Majesty) for the sitting of the Parliament: and after diligent Enquiry, hearing nothing from his Majesty nor his Commissioner, neither by their own Commissioners or any others sent from his Majesty, which might hinder the Parliament to proceed to the settling of their Religion and Liberties, after mature deliberation, and long waiting for some signification of his Majesties pleasure, they have all with one consent resolved upon certain Acts, which they have adjudged to be most Necessary and Conducable for his Majesties Honour and the Peace of the Kingdom, so far endangered by delays: and have committed to us the Trust to shew you so much, and withal to send a just Copy of the Acts, that by your Lordship (his Majesties Principal Secretary of Scotland) they may be presented to his Majesty. The Declaration prefixed to the particular Acts, and the Petition in the End contain so full expressions of the warrants of the Proceedings of the Estates, and of their humble continued desires, that no word needs to be added by us. We do therefore in their Name (according to the Trust committed to us) desire your Lordship (all other wayes of Information being stopt) with the Presenting of the Acts of Parliament, to represent unto his Majesty against all suspicions, suggestions and tentations to the contrary, the constant love and loyalty of this Kingdom unto his Majesties Royal Authority and Person, as their Native King and kindly Monarch: And that they are seeking nothing but the Establishing of their Religion and Liberties under his Majesties Government, that they may still be a free Kingdom, to do his Majesty all the honour and service that becometh humble Subjects; that their Extremity is greater, through the Hostility and Violence threatned by Arms, and already done to them in their Persons and Goods, by Castles within, and Ships without the Kingdom, than they can longer endure: And that as his Majesty loveth his own Honour and the Weal of this his Antient Kingdom, speedy course may be taken for their relief and quietness; and that if this their Faithful Remonstrance (to which as the great Council of the Kingdom they found themselves bound at this time for their Exoneration) be passed over in silence, or answered with delays, they must prepare and provide for their own defence and safety. We are very hopeful, that your Lordship (as a good Patriot, and according to the obligation of your place) will not be deficient in that duty for your Native Countrey, and send us a speedy Answer, as we shall in every duty be careful at all occasions to shew our selves

Your Lordships humble Servants.

Signed

Balmerino.  
Burghly.  
Napier.  
Thomas Hop.  
John Murray.  
John Hamilton.

George Dundas.  
John Smith.  
Ed. Egger.  
Thomas Patterson.  
Ja. Sword.

The

An. 1640.

**T**He *Covenanters* at this last meeting of the Parliament did sign a Bond among themselves, for adhering to those Acts, and prosecuting of those who had been the *Incenduraries* from the beginning of those Stirs; the chief of which they accounted, were Marquess *Hamilton* and *Traquaire*; but this business gave great offence to the King, and he judged himself bound to repair this Affront with the Sword.

**O**N the twenty seventh of *June* the Earl of *Lancrick* returns Answer to the Committee in *Scotland* to the effect following:

My Lords,

The Earl of  
*Lancrick's*  
answer to the  
Committees  
Letter.

**B**Y my former of the date of the 23d of *June*, his Majesty was pleased to promise by me, to let you know within few days his further pleasure concerning those proceedings and desires of the Noble-men, and Barons, and Burgesses, which you sent me to be presented to his Majesty; whereupon he hath now commanded me to tell you, that the Not Proroguing of the Parliament in a Legal and formal way, was not for want of clear Instructions, and of full and ample Power from his Majesty, he having fully signified his pleasure to those whom he did entrust with the executing thereof, not thinking it fit to employ other Servants of greater Eminence, by reason of the disorders and Iniquities of the times: and as forced by the importance of his other great and weighty affairs, he was necessitated to Prorogue the Parliament for some few days, so did he most really intend to perform at the time prefixed, whatsoever he had promised by the Act of Pacification; but neither can the neglect of his servants, (if any be) nor those other Reasons alledged by the foresaid Noble-men, Barons and Burgesses, in their Declaration for their sitting, satisfy his Majesty for their proceeding in a Parliamentary way; since by the Duty and Allegiance of Subjects, they are bound to acknowledge in a most special manner his Transcendent Power in Parliaments. And if Subjects there do assume the Power of Making Laws, and Rescinding those already made, what Act can be done more Derogatory to that Regal Power and Authority we are all sworn to maintain? Therefore his Majesty conceives, they cannot in reason expect he can interpose his Royal Authority to these, or any other Acts whatsoever, whereto neither he in his own real Person, nor by his Commissioner did assist. Yet such is his Majesties Clemency, that when they shall take such an humble and dutiful way, as may witness, that they are as careful and tender of his Majesties Royal Power, as they are desirous of his Approbation, then shall it be time for them to expect such a Gracious and Just Answer, as may testify his Majesties Fatherly Compassion of that his Native Kingdom, and his Pious and Princely care of performing whatsoever is necessary for Establishing their Religion and Laws. So thus having imparted unto you all that was enjoined me by his Majesty, I shall say no more from my self, but I am

Your Lordships humble servant,

White Hall, *June* 27.

1640.

*Lancrick.*

To



To which the Committee on the seventh of July, made this Reply following to the Lord *Lanrick*.

16 Carol.

My Lord,

**W**E received your Lordships Letter of the twenty seventh of June from the Lord Lowdon, whose Relief out of Prison gives us occasion (before we answer your Lordships Letter) to acknowledge the same as an Act of his Majesties Royal Justice and Goodness, although the pretended Cause of his Imprisonment, was but a Malicious Calumny of the Enemies of the Kings Honour and our Peace; forged to engage both his Majesties Kingdoms in a National War. As we cannot but regret, that any Neglect of his Majesties Officers, or absence of his Commissioner, whose presence we did both desire and expect, should hinder the interposing of his Royal Authority to these Acts of Parliament, which were found most necessary for establishing Religion and the Peace of this Kingdom, and which according to the Acts of Pacification, his Majesty was Graciously pleased to promise; so we have and shall still endeavour, to give demonstration of that tender Respect we have of his Majesties Honour and Royal Power. And whereas your Lordships Letter doth imply, that we should take some other way for the more easie obtaining of his Majesties Approbation, which also by several reasons hath been most instantly pressed by the Lord Lowdon, yet we conceive, that Parliamentary way, which was taken by the Estates Convened by his Majesties special Warrant, to have been most Legal and Necessary, and no wayes Derogatory to his Majesties Power in Parliament, nor contrary to the Duty of good Subjects, who are warranted by the Articles of Pacification under his Majesties hand, to Determine all Civil Questions, Ratifie the Conclusions of the Assembly, and remove the present Distractions of this Kingdom, as is more abundantly demonstrated by their Declaration in Parliamentt hereabout; so that we dare not take any other course, which may entrench upon their Parliamentary Power or Proceedings, nor will we, (being so few in number appointed to stay here) presume of our selves, in a matter of so great moment, to return a more full and particular Answer, till there be a more frequent meeting of those appointed by Parliament, which will be shortly; and then your Lordship shall be acquainted, that you may shew his Majesty their resolutions and humble desires: and we shall remain

A Reply from the Committee.

Your Lordships Affectionate  
Friends and Servants,

Edinburgh July 7.

1640.

Signed

Lindsay.  
Balmerino.  
Burghly.  
Napier.  
J. Murray.

G. Dunlafs.  
Ja. Sword.  
J. Forbes.  
Ed. Eggar.

Towards

An. 1640.

**T**owards the latter end of this Month and the beginning of *August* the *Scots* were very Active in raising their Forces, and imposing a Tax of a tenth Penny upon every mans Rents throughout the Kingdom, towards the maintenance of their Army to march into *England*; and advanced part of their Forces Southward: but General *Lesly* was resolved not to move with the whole Body, till he was Master of *Edinburgh* Castle, conceiving it unsafe to leave a place of that strength behind him, which was kept for the King by *Ruthven* the Governour, a man of known Courage: who nevertheless being somewhat straitned for want of Ammunition and Victuals, and the falling away of the Water into the Rock of the Castle, by the often discharging of his great Guns, was constrained to Capitulate, and so the Castle was delivered up to the *Covenanters*. And now General *Lesley* prepares all things in order to a March with the whole Army.

Let us now return to give an account of Affairs in *England*, where we left in the Month of *July*.

**T**He Kings Army in their March to *Newcastle* in the Month of *July*, quartered much in the County of *York*; and being Billeted upon the Inhabitants, grew to be a great Burthen to the Country: whereupon the Gentry of the said County of *York* assembled at the Assizes at *York* on the 28th of *July*, agreed upon this following Petition to be presented to the King.

## To the Kings Most Excellent M A J E S T Y.

*The humble Petition of the Gentry of your Majesties County of York now assembled at the Assizes at York July 28. 1640.*

*May it please your Sacred Majesty,*

**Y**Our most humble Subjects shew unto your Sacred Majesty, that in all humility this Countrey had endeavoured to fulfil your Majesties Commands with the forwardest of your Majesties Subjects, and the last year in the execution of your Majesties Royal Commands about the Military Affairs did expend one hundred thousand pounds to our great impoverishment, and far above the proportion of other Counties; which although at that time we were willing (out of a desire to serve your Majesty) to do, yet for the future the burthen is so heavy, that we neither can, nor are able to bear it. Now upon this our cheerfulness to serve you, we thought to have found equal favours with other Counties.

‘ But



' But so it is, most Gracious Sovereign, to our great grief, and  
' (as we conceive) to the great disservice of your Majesty, we  
' find our selves oppressed with the Billetting of unruly Soldiers,  
' whose Speeches and Actions tend to the burning of our Villages  
' and Houses, and to whose Violences and Insolencies we are so daily  
' subject, as we cannot say we enjoy our Wives, Children and  
' Estates safely: wherefore we are emboldned, humbly to present  
' these our Complaints, beseeching that as the Billetting of Soldi-  
' ers in any of your Subjects houses against their will, is contrary  
' to the Antient Laws of this Kingdom confirmed by your Majesty  
' in the *Petition of Right*, we most humbly pray, that this insuppor-  
' table burthen be taken from us, lest by their Insolencies some  
' such sad Accidents may happen, as will be much displeasing unto  
' your Sacred Majesty and your Loyal and Obedient Subjects, who  
' will never cease to pray for your Majesties long and happy Reign  
' over us.

Phillip Wharton.  
Ferdinando Fairefax.  
Henry Bellasis.  
William Savile.  
Francis Wortley.  
Thomas Gower.  
Jo. Hotham.  
Ed. Stanhop.  
Henry Griffith.  
William Sheiffeild.  
Richard Darly.  
Jo. Ramsden.  
Hugh Cholmeley.  
Hugh Bethell.  
William Strickland.  
Thomas Remmington.  
Thomas Metham.  
Robert Strickland.  
Jo. Legard.  
George Buttler.  
Francis Mountone.

Henry Cholmeley.  
George Trotter.  
Henry Darley.  
Richard Remington.  
William Franckland.  
Thomas Hebblethwaite.  
Jo. Hotham.  
Christopher Pearcihey.  
Jos. Pearcey.  
Brian Stapleton.  
Phillip Stapleton.  
Ing. Hopton.  
Henry Anderson.  
George Crosbie.  
George Marwood.  
Thomas Hisketh.  
Jo. Anlabie.  
Christopher Legard.  
Jo. Inglebie.  
Mar. Norcliffe.

With divers others.

THIS Petition being thus agreed unto, was sent up by some of the  
Gentry of the County of *York* to the King then at *London*, and  
the same being presented at the Council Board (the Earl of *Straf-*  
*ford* being present) his Lordship thought fit to acquaint his Maje-  
sty, that he conceived the Petitioners were mistaken in computing  
the Charge of the last years Expedition, in saying it amounted to  
One Hundred Thousand Pound: and for them at such a time as this  
is, thus to Complain when an Invasion is threatned by the *Scots*, it  
seemed to be a Mutinous Petition; with some other expressions of  
Disatisfaction with his Countrey-men for offering such a Petition.

An. 1640.

The King  
feizeth on the  
Bullion in  
the Tower.

IN this Month of *July* the Kings Necessities being great, he was pleased to give order to seize upon the Bullion in the Mint at the *Tower*, which was brought from beyond Seas to be Coyned there, which gave a great Alarm to the *Spanish* Merchants and others, with which they were obliged forthwith to acquaint their Correspondents and Partners beyond Seas; yet they made an immediate Address to his Majesty, humbly declaring, that this Example would for ever after hinder the bringing of Bullion into the *Tower*, and would prove to his Majesties great prejudice, not only by the loss of the Coyage of the Bullion, but in his Reputation (his Faith being pledged for the freedom of Merchants to bring in their Bullion into the *Tower*, and freely to carry the same out again.) So the Result of that dayes debate at the Council was, that the Owners of that Bullion should be desired to let the King have Forty Thousand Pound of it, being the third part of the Money in the Mint; and his Majesty tendered them security for the payment thereof with Interest by his Farmers of the Customs; whose security the Merchants did accept; who accommodated his Majesty with the said sum, which was afterwards duly re-paid unto them: and thereupon the Council ordered, that the Foreign Post which was stayed upon the seizure of the Mint, should now be at liberty to carry Letters beyond Seas.

The King  
buys all the  
Pepper kept  
under the *Old*  
*Exchange*.

ABOUT the same time the Kings Necessities for want of Money still increasing, a device was found out, to perswade the King to buy all the Pepper the Merchants had in store lying under the *Old Exchange*, which amounted to a great sum; for which the King gave security to the Owners, that the same should be paid: but the Pepper was immediately sold again at a much under-value; yet it being ready money to his Majesty, though with damage to himself, his Majesty was enabled thereby the better to carry on the War against the *Scots*.

A design to  
make Copper  
money.

But these wayes of getting Money were but shifts to stop one Leak in twenty in the Ship; for that nothing but a standing supply could constantly keep up an Army in good Order and Reputation; and thereupon it was debated at the Council, to mix Silver and Copper together, and to Coyn to the value of Three Hundred Thousand Pound, and the Coyn to be such, that Three Pence in Silver added to a quantity of Copper, should be made to go Currant for Twelve Pence. And that it be declared by Proclamation, that it should be Currant Money to pay the Army, marching to *Newcastle*: This business held several dayes debate: yet at last his Majesty and the Council thought fit to hear Sr. *Thomas Rome* his Judgement and Opinion in this business, being a Person well experienced in the Coyns in *Sweden* and other Foreign Parts; who being permitted to speak his Opinion, he declared himself to the effect following:

Sr. Thomas



Sr. Thomas Rowe his Speech at the Council Table, touching  
Brass Money, or against mixing Brass Money with Silver,  
with many notable Observations thereupon, July 1640.

My Lords,

‘ Since it hath pleased this Honourable Table, to command,  
‘ Amongst others, my poor Opinion concerning this weighty  
‘ Proposition of Money; I must humbly crave pardon, if with that  
‘ Freedom that becometh my duty to my Good and Gracious Master,  
‘ and my obedience to your great commands, I deliver it so.

July 1640  
Sr. Thomas  
Rowe his  
Speech a-  
gainst Brass  
Money.

‘ I conceive this intended Project of infeebling the Coyn, will  
‘ intrench very far both into the Honour, Justice and Profit of the  
‘ King.

‘ All Estates do stand *magis fama quam vi*, as *Tacitus* saith of Rome;  
‘ and Wealth in every Kingdom, is one of the essential marks of  
‘ their Greatness; and is best expressed in the measures and purity  
‘ of their moneys. Hence it was, that so long as the *Roman Em-*  
‘ *pire*, a pattern of the best Government, held up their Glory or  
‘ Greatness, they ever maintained with little or no change the  
‘ Standard of their Coyn: but after the loose time of *Commodus* had  
‘ led into need by excess, by that shift of changing the Standard, the  
‘ Majesty of that Empire fell by degrees: And as *Vopiscus* saith, the  
‘ steps by which that State descended, were visible most by the gen-  
‘ eral alteration of their Coyns; and there is no surer symptomes of  
‘ Consumption in State, than the Corruption of Money.

‘ What renown is left to the posterity of *Edward I.* in amending  
‘ the Standard both in purity and weight, from that of elder and bar-  
‘ barous times? It must needs stick as a blemish upon Princes that  
‘ do the contrary.

‘ Thus we see, it was with *Henry VI.* who after he had begun  
‘ with abating the measures, he afterwards fell into abasing the mat-  
‘ ter, and granted Commission to *Missend* and others, to practise *Al-*  
‘ *chymy* to serve his Mint.

‘ The extremity the State in general felt by this Grievance, be-  
‘ sides the dishonour it laid upon the person of the King, was not the  
‘ least disadvantage his disloyal Kinsman took to ingrace himself into  
‘ the peoples favour, to his Sovereigns ruine.

‘ When *Henry VIII.* had gained as much of Power and Glory  
‘ abroad, of Love and Obedience at home as ever any, he suffered a  
‘ loss by this Rock.

‘ When his Daughter Queen *Elizabeth* came to the Crown, she  
‘ was happier in Counsel to amend that error of her Father; for it  
‘ appears in a Memorial of the Lord Treasurer *Burleigh’s* hand, that  
‘ he and *Sr. Thomas Smith*, a Grave and Learned man, advised the  
‘ Queen, that it was the Crown and the true Wealth of her self and  
‘ people, to reduce the Standard to the Antient Parity and Purity of  
‘ her great Grand-father *Edward IV.* and that it was not the short  
‘ end of wits, nor starting holes of devices, that can sustain the ex-  
‘ pence of a Monarchy, but sound and solid courses: for so are the

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words. She followed their advice, and began to reduce the Monneys to their elder goodnes, styling this work in her first Proclamation *Anno 3.* a famous Act. The next year following *Ann. 3.* having perfected it, as it after stood, she telleth her people by another Edict, That she had conquered now that Monster that had so long devoured them; meaning the variation of the Standard. And so long as that sad Adviser lived, she never (though often by Projectors importuned) could be drawn to any shift or charge in her monneys.

To avoid the trouble of permutation, Coyns were devised as a rule and measure of Merchandize, and Manufactories, which if mutable, no man can tell either what he hath, or what he oweth; no contract can be certain, and so all commerce both publick and private is destroyed, and men again enforced to permutation with things not subject to will and fraud.

The regulating of Coyn hath been left to the care of Princes, who have ever been presumed to be the Fathers of the Commonwealth; upon their honours they are Debtors and Warrants to the subjects in that behalf.

They cannot, saith *Bodin*, alter the price of moneys to the prejudice of the subject, without incurring the reproach of *Faux monnyens*: And therefore stories term *Phillip de Belle* falscheator de monnet. *Integritas debet quærui ubi vultus noster Imprimatur*, saith *Theodoret* the Goth to his Mint-master, *Quidnam erit tutum si nostra peccatur officio?* Princes must not suffer their Faces to warrant falsehood.

Although some are not of opinion with the *Minor des Justices*, the Antientest Book of the Common Law, that *Le Roy ne vent si money imaire ne amander sans l'assent des tous les Countes*, which was the great Council of the Kingdom: Yet we may pass over the goodnes and grace of many other our Kings, as *Edward I.* *Edward III.* *Henry IV.* and *V.* and others, who out of the Rule of their Justice, *Quod ad omnes spectat, ab omnibus debet approbari*, have often advised with their people in Parliament, both for the Allay, Weight, Number of Pieces, Rate of Coynage and Exchange; and most with infinite goodnes acknowledge the Care and Justice now of my good Master, and your Lordships Wisdoms, that would not upon the information of some few Officers of the Mint, before a free and careful debate, put in execution this project: yet I must under your Lordships favour, suspect it would have taken away the tenth part of every mans due Debt or Rent already reserved throughout the Realm, not sparing the King; which could have been little less than a Species of that which the *Roman* Stories call *Tabula nova*, from whence every Sedition hath sprung; as that of *Marius Gratidianus* in *Livy*, who pretending in his Consulship, that the Currant money was wasted, called in and altered the Standard; which grew so heavy and grievous to the people, (as the Author saith, because thereby no man knoweth certainly his wealth) that it caused a Tumult.

In this last part, which is the dis-profit that the enfeebling the Coyn will bring both to his Majesty and to the Commonwealth; I must distinguish the moneys of Gold and Silver as they are Bullion and Commodities, and as they are measures, the one of the ex-

trinlick



‘trinfick quality, which is at the Kings pleasure, as all other measures  
‘to name; the other, the intrinfick quality of pure metal, which is  
‘in the Merchant to value; as their measure shall be either to be  
‘lessened or enlarged, so is the quantity of the Commodity that is  
‘to be exchanged: If then the King shall cut his Shilling or Pound  
‘in money less than it was before, a less proportion of such Com-  
‘modities as shall be exchanged for it, must be received; it must  
‘then of force follow, that all things of necessity, as Victuals, Appa-  
‘rel, and the rest, as well as those of Pleasure, must be enhanced. If  
‘then all men shall receive in their Shillings and Pounds a less pro-  
‘portion of Silver and Gold than they did before this projected alte-  
‘ration; and pay for what they buy at a rate enhanced, it must cast  
‘upon all a double loss. What the King will suffer by it in the  
‘Rents of his Lands, is demonstrated enough by the alteration since  
‘the 18th of *Edward III.* when all the Revenues of the Crown came  
‘unto the receipts, *pondere & numero*, after five Groats the Ounce;  
‘which since that time, by several changes of the Standard, is come  
‘to five Shillings, whereby the King hath two third parts of his just  
‘Revenues.

‘In his Customs, the Book of Rates being regulated by Pounds  
‘and Shillings, his Majesty must lose alike, and so in all and whatso-  
‘ever moneys that after this he must receive; the profits of his  
‘Coynage cannot be much more permanent, the loss lasting,  
‘and so long it tendeth to the diminishing of his Revenue;  
‘for in every pound tail of Gold is 7. *Ounces* 1 *Penny* weight and  
‘19 *Grains* loss, which is twenty five pounds in account: and in se-  
‘ven hundred pound tail of Silver 14 *l.* 17 *s.* more. And his Maje-  
‘sty shall undergo all this loss hereafter in all his receipts, so shall he  
‘no less in all his disbursements: the wages of his Soldiers must be  
‘rateably advanced, as the money is decreased. This *Edward III.*  
‘as appeareth by the Accounts of the *Wardrobe* and *Exchequer*, (as all  
‘the Kings after him) was enforced to do, as often as he lessened the  
‘Standard of the moneys. What shall be bought for his Majesties  
‘service, must in like manner be enhanced on him. As his Majesty  
‘hath the greatest profits of receipts and issues, so must he of necessity  
‘taste of the most loss by this device.

‘It will destroy or discourage a great proportion of the Trade in  
‘*England*; impair his Majesties Customs; for that part being not the  
‘least that passeth upon trust and credit, will be overthrown: for all  
‘men being doubtful of diminution hereby of their personal estates,  
‘will call in their moneys already out, and no man will part with  
‘that which is lying by him upon apparent loss, as this must bring:  
‘What damage may befall the State by such a sudden change of  
‘Trade, is submitted to consideration.

‘The moneys both of Gold and Silver, formerly Coyned and  
‘abroad, richer than those intended, will be transported: which I  
‘conceive to be none of the least Inducements that hath drawn so  
‘many Goldsmiths to side in this Project, that they may be thereby  
‘Factors for the Strangers, who by the Law of Mintage, bring but two  
‘shillings Silver to the pound weight, and four shillings for Gold;  
‘whereas with us, the one is two shillings six pence, and the other five  
‘shillings; many make that profit beyond the Sea, they cannot here;  
‘and so his Majesties Mint will be unset of work.

‘And

An. 1640.



‘And as his Majesties losse appeareth in the alteration of money  
 ‘a fourteenth in the Silver, and a twenty fifth part in all the Gold  
 ‘he after shall receive ; so shall it be with the Gentry and Nobility,  
 ‘and all other Landed men in all their former settled Rents,  
 ‘Annuities, Pensions and summs of money : the like will fall upon  
 ‘the Labourers and Work-men in their Statute Wages : and as their  
 ‘receipts are lessened hereby, so are their issues increased either  
 ‘by improving all prices, dis-furnishing the Market, which must  
 ‘necessarily follow ; for in the fifth of *Edward VI.* 3 *Mary*, 4 *Eliz.*  
 ‘as appeareth by their Proclamations, a Rumour only of alteration  
 ‘caused such effects ; and they punished the Authors of such reports,  
 ‘with Imprisonment and Pillory. It cannot be doubted, but the  
 ‘projecting of such a change must be of far greater consequence  
 ‘and danger to the State, and it would be wished, that the Actors  
 ‘and Authors of such disturbances in the Common-wealth at all times  
 ‘hereafter, might undergo a punishment proportionable.

‘It cannot be held an advice of best Judgement, that layeth the  
 ‘losse upon our selves, and the gain upon our Enemies : for who  
 ‘are like to be in this the greatest thrivers ? Is it not visible, that  
 ‘the Strangers who import money for Bullion, our own Goldsmiths  
 ‘who are their Brokers, and the Hedge-Minters of the *Netherlands*  
 ‘( as one termed them well ) will have a fresh and full Trade  
 ‘by this abatement ? And we cannot do the *Spanish* King, our  
 ‘greatest Enemy, a greater favour than by this, who being Lord  
 ‘of the Commodities by his *West-Indies*, we shall so advance them  
 ‘to our Impoverishment : for it is not in the power of any State  
 ‘to raise the price of their own Commodities : But it is the value  
 ‘that their Neighbours set upon them. Experience hath taught us,  
 ‘that the enfeebling of the Coyn, is but a shift for a while, as  
 ‘Drink to one in a Dropsie, to make him swe'll the more : But  
 ‘the State was never thoroughly cured, as we saw in *Henry*  
 ‘the Eighth's time, and the late Queens, until the Coyn was  
 ‘made rich again.

‘To conclude, If the proportion of Gold and Silver to each other  
 ‘be wrought to that purity, by the advice of the Artists, that  
 ‘neither may be too rich for the other, that the Mintage may  
 ‘be reduced to some proportion of Neighbour parts. and that the  
 ‘Issue of Native Commodities may be brought to overballance  
 ‘the entrance of the Foreign, we need not seek any shift ; but  
 ‘shall again see our Trade to flourish, the Mint, as the Pulse  
 ‘of the Common-wealth, again to beat ; and our Materials by  
 ‘Industry, to be Mines of Gold and Silver, ( which we all wish  
 ‘and work for ) supported unto us, and the honour of Justice,  
 ‘and profit of his Majesty.



ON the fifteenth of *August* the Lord *Conway* having received certain Intelligence that the *Scots* would on such a day enter *England*, writ to the effect following to Mr. Secretary *Windebanke* for the Information of the Arch-Bishop of *Canterbury*.

16 *Caroli.*  
Aug. 15.  
1640.

Mr. Secretary,

*My time is very short, I now received your Letter, I have within these two hours word brought to me, [ I pray you tell my Lord of Canterbury, that it is by that man I did write last to him, that I have sent into Scotland and gave him sixteen pounds ] that the Scotch Army, as he doth assure me upon his life, and bids me hang him if it be not so, will upon Munday or Tuesday next come into England, that they will upon Saturday be before this Town, which they say they will take or here be broken, from hence they intend to go to Yorkshire, &c.*

Lord Conway  
for the Arch-  
Bishop of  
Canterbury.

Your most humble servant,

*Newcastle Aug. 15.*

1640.

*Conway and Kilulta.*

ON the 20th of *August* the King began his Journey from *London* towards *York* in some haste, upon information that the *Scots* were ready to enter the Kingdom with an Army, which accordingly they did on the same twentieth of *August*.

On which day his Majesty published a Proclamation, whereby he declared that all those of *Scotland* who have already entred, or hereafter shall presume to enter in an Hostile manner into any part of the Kingdom of *England*, and their adherents, assistants and others, who shall supply them with Money, Munition, Victuals or other Provisions, shall be adjudged Traitors against his Majesty his Crown and Dignity, and incur the Penalties of High Treason; yet the King declares he will forgive the *Scots* if they return to obedience, and professeth it before God and the World as often formerly, and in his late Declaration he hath done, and that he never did nor will hinder his Subjects of *Scotland* from the enjoying of their Religion and Liberties according to the Ecclesiastical, Civil and Municipal Laws of that Kingdom, and according to his promise and their desires subscribed by themselves at the Pacification, but that he will govern them as a just and Religious Prince, in assurance whereof if they will yet acknowledge their former Crimes and Exorbitancies and in humble and submissive manner like penitent Delinquents crave Pardon for what is past, and yield Obedience for the time to come, they shall still find that his Majesty will be more sensible of their due Conformity and Obedience, than he hath been of their Rebellions, that he rather desires their Reformation than their Destruction.

*August 20*  
Proclamation  
against sup-  
plying the  
Scots.

An. 1640.

Aug. 20.

Cumberland  
and Westmerland  
to keep  
fir & Wat-  
ches.

\* Upon Spy  
Cragg and  
other places.

\* Whence  
probably E-  
denburgh took  
its name.

The names of  
the chief  
Commanders  
of the Scotch  
Army.  
Their strength  
in Horse and  
Foot.

The Scots  
enter Eng-  
land.

IN Expectation of the Entrance of the *Scotish* Army, the Privy Council sitting at *White-Hall* this day sent Letters directed to the Lieutenants of the Counties of *Cumberland* and *Westmerland*, requiring first that strict Watches be kept upon the Passages of the Borders into *Scotland* by the several Townships as formerly hath been \* accustomed in time of Hostility. Secondly, That the Beacons be Watched and kept serviceable. Thirdly, That search be made of what store of Corn there was in any of the Granaries on the other side of the River \* *Eden*, betwixt it and *Scotland*, and that no Person shall keep more provision of any kind than shall serve their Family for a Week, and that the rest be put into safe places. Fourthly, That it being the usual manner in those parts to put a thousand or fifteen hundred Cattle to Pasture in the *Summer time*, and to have none but a boy or two to look to them; those who receive the profits of those Cattle shall be compelled to keep so many Herdsmen as may presently upon warning, drive those Cattle over the *Eden*, that they may be secured from the Pillage of the Enemy.

THE best intelligence we could get of the strength of the *Scotish* Army on their march towards *England* was, that they consisted of 20000 Foot, and 2500 Horse, commanded by General *Lesly* in chief, Earl of *Kallender* Lieutenant General, *Alex. Hamilton* Major General of *Artillery*, and Colonel *Bailey* Major General of the Army. There were many other Noblemen, Barons and Gentlemen who were Commanders in the Army, who marched with them as a standing Committee of the Army, consisting of six Noblemen, six Barons, six Burgeffes, besides the General Officers.

ON *Thursday* the 20th of *August* one part of the *Scotch* Army marched over the River *Tweed* at a Ford named *Cald Streame* into *England*, and another part of their Army at a Ford lower down upon the same River; The Earl of *Montrose* commanded the Vaunt-Guard, and first took the River, the Colledge of Justice Troop consisting of one hundred and sixty Gentlemen commanded by Sir *Thomas Hope* rode upon the right wing of the Foot, which helpt to break the stream; that night they encamped at a place called *Hirslaw* in *England* bordering on *Scotland*.

FRiday *August* 21. they marched from thence and pitched that night on *Misfield Moore*, but the Horse lay at several Villages thereabouts.

Saturday *August* 22. they marched to *Middleton Haugh* near *Wooler*, and that night some of the *Berwick* Troops came out and fell upon part of the Camp, and seized three Field pieces, but the Alarm being quickly taken, they were presently regained, and the *Berwick* Troops forced to retreat, and some of them taken Prisoners.



THE next day being *Sunday, August 23.* after Sermon they removed from *Middleton Haugh*, and Encamped that night at *Branton Field*.

16 Caroli.  
Aug. 23.

Monday August 24. they removed from thence and Encamped on the Hill betwixt the New and Old Towns of *Eglingam* or *Eglington*.

24.

Tuesday August 25. they Marched from thence and Encamped that night at *Nether Wotten*.

25.

Wednesday August 26. they removed from thence and pitched that night on the East part of a Village called *Creich* or some such name.

26.

Thursday August 27. they marched from thence and Encamped their Army about *Newborne* upon *Tyne*, a Town of the Earl of *Northumberland's*, four miles West from *Newcastle*.

27.

It is to be observed that at the *Scots* entry into *England*, they published certain Considerations to manifest the Lawfulness of their Expedition, and declared the intention thereof to their Brethren here in *England* (as they called them) which Considerations were as followeth.

### Six Considerations of the Lawfulness of their Expedition into England manifested.

AS from the beginning till this time, we have attempted nothing presumptuously in this great work of Reformation, but have proceeded upon good grounds, and have been led forward by the good hand of God; so now, from our own perswasion, are we ready to answer every one that asketh us a reason of this our present expedition, which is one of the greatest and most notable parts of this wonderful work of God, beseeching all to lift up their minds above their own particulars, and without prejudice or partiality, to lay to heart the Considerations following.

Considerations to justify the Scots expedition into England.

First, As all men know and confess what is the great force of necessity, and how it doth justify actions otherways unwarrantable, so it cannot be denyed but we must either seek our peace in *England* at this time, or lye under the heavy burdens which we are not able to bear.

1. We must maintain Armies on the Borders, and all places nearest to hazard, for the defence and preservation of our Countrey, which by laying down of Armes, and disbanding of our Forces, should be quickly over-run by hostile invasion, and the incursions of our enemies.

2. We shall want trade by Sea, which would not only deprive the Kingdom of many necessities, but utterly undo our Boroughs,

SSSSSS

Mer-

An. 1640.

‘ Merchants, Mariners, and many others who live by Fishing, and by  
‘ Commodities Exported and Imported, and whose particular call-  
‘ ings are utterly made void, by want of Commerce with other Na-  
‘ tions and Sea-trade.

‘ 3. The Subjects through the whole Kingdom, shall want admin-  
‘ istration of Justice ; and although this time past, the marvellous  
‘ power and providence of God hath kept the Kingdom in order  
‘ and quietness without any Judicatories sitting, yet cannot this be  
‘ expected for afterward, but shall turn to confusion. Any one of  
‘ the three, much more all of them put together threaten us with  
‘ most certain ruine, unless we speedily use the remedy of this Ex-  
‘ pedition. And this we say not from fear, but from feeling : for  
‘ we have already felt to our unspeakable prejudice, [ what it is to  
‘ maintain Armies, what to want traffick, what to want administra-  
‘ tion of Justice.] And if the beginning of these evils be so heavy,  
‘ what shall the growth and long continuance of them prove unto  
‘ us? so miserable a being all men would judge, to be worse than no  
‘ being.

‘ Secondly, If we consider the nature and quality of this Expediti-  
‘ on, it is defensive, and so the more justifiable. For proof hereof  
‘ let it be remembred,

‘ 1. The Kings Majesty misled by the crafty and cruel faction of  
‘ our Adversaries began this years war, not we. When articles of  
‘ pacification had been the other year agreed upon, Armes laid down,  
‘ Ports and Castles rendred, an Assembly kept, and concluded with  
‘ the presence and consent of his Majesties High Commissioner, the  
‘ promised Ratification thereof in Parliament (contrary to the fore-  
‘ said Articles ) was denyed unto us, and when we would have in-  
‘ formed his Majesty by our Commissioners, of the reasons and man-  
‘ ner of our proceedings, they got not so much as presence or audi-  
‘ ence. Thereafter his Majesty being content to hear them, before  
‘ that they came to Court or were heard, War was concluded against  
‘ us at the Council Table of *England*, and a Commission given to the  
‘ Earl of *Northumberland* for that effect.

‘ 1. The Parliaments of *Ireland* and *England* were also convocate,  
‘ for granting *Subsidies* unto this war against us, as is notoure, Plots  
‘ have been hatcht, and military preparations made against us : ma-  
‘ ny invasions by Sea, which have spoiled us of our ships and goods :  
‘ men, women and children killed in *Edenburgh* by his Majesties For-  
‘ ces in the Castle : Our enemies therefore are the authors and begin-  
‘ ners of the War, and we defenders only.

‘ 2. We intend not the hurt of others, but our own peace and  
‘ preservation, neither are we to offer any injury or violence : And  
‘ therefore have furnished our selves according to our power with  
‘ all necessaries, not to fight at all, except we be forced to it in our  
‘ own defence, as our Declaration beareth.

‘ 3. We shall retire and lay down Armes, as soon as we shall get  
‘ a sure peace, and shall be satisfied in our just demands. Upon  
‘ which ground even some of those who would seem the greatest  
‘ Royalists, hold the Wars of the Protestants in *France* against the  
‘ King, and the faction of the *Gustians* to have been lawful defensive  
‘ Wars, because they were ever ready to disband and quiet them-  
‘ selves.



‘ selves, when they got assurance of peace and liberty of Religion.  
 ‘ Now this present Expedition being in the nature of it defensive,  
 ‘ hence it appeareth that it is not contrary, but consonant to our former  
 ‘ Protestations, Informations and Remonstrances: In all which  
 ‘ there is not one word against defensive War in this cause; but  
 ‘ strong reasons for it, all which militate for this expedition.

‘ Our first information sent to *England* this year, though it accuseth  
 ‘ feth all offensive or invasive war, yet sheweth plainly, that if we  
 ‘ be invaded either by Sea or Land, we must do as a man that fighteth  
 ‘ himself out of prison. If a private man when his house is blocked  
 ‘ up, so that he can have no liberty of Commerce and Traffick  
 ‘ to supply himself and family, being also in continual hazard of his  
 ‘ life, not knowing when he shall be assaulted by his Enemies who  
 ‘ lye in wait against him, may in this case most lawfully step forth  
 ‘ with the Forces which he can make, and fight himself free, of how  
 ‘ much more worth is the whole Nation? and how shall one and  
 ‘ the same way of defence and liberation be allowed to a private man,  
 ‘ and disallowed to a whole Nation?

‘ Thirdly, We are called to this Expedition by that same divine  
 ‘ providence and vocation which hath guided us hitherto in this great  
 ‘ business. We see the expediency of it, for the glory of God, for  
 ‘ the good of the Church, for advancing the Gospel, for our own  
 ‘ peace: after seeking of God, and begging light and direction from  
 ‘ Heaven, our hearts are inclined to it, God hath given us zeal and  
 ‘ courage to prosecute it, ability and opportunity for undertaking it,  
 ‘ unanimous Resolution upon it, scruples removed out of minds  
 ‘ where they were harboured, encouragements to achieve it from  
 ‘ many passages of divine providence, and namely from the proceedings  
 ‘ of the last Parliament in *England*, their grievances and desires  
 ‘ being so homogeneal and akin to ours, we have laboured in great  
 ‘ long-suffering by Supplications, Informations, Commissions, and all  
 ‘ other means possible, to avoid this Expedition. It was not premeditate  
 ‘ nor affected by us (God knows) but our enemies have necessitated  
 ‘ and redacted us unto it, and that of purpose to sow the  
 ‘ seed of National Quarrels: yet as God hitherto hath turned all their  
 ‘ plots against themselves, and to effects quite contrary to those that  
 ‘ they intended; so are we hopeful that our coming into *England* (so  
 ‘ much wished and desired by our adversaries for producing a National  
 ‘ quarrel) shall so far disappoint them of their aymes, that it shall  
 ‘ link the two Nations together in straiter and stronger bonds, both  
 ‘ of Civil and Christian love, than ever before.

‘ And that we may see yet further evidences of a calling from God  
 ‘ to this voyage, we may observe the order of the Lords steps and proceedings  
 ‘ in this work of Reformation. For, beginning at the gross  
 ‘ Popery of the *Service Book*, and *Book of Canons*, he hath followed the  
 ‘ back trade of our defection, till he hath Reformed the very first  
 ‘ and smallest Novations, which entered in this Church. But so it  
 ‘ is, that this back trade leadeth yet further, to the Prelacy in *England*,  
 ‘ the fountain whence all those Babylonish streams issue unto us: The  
 ‘ Lord therefore is still on the back trade, and we following him therein,  
 ‘ cannot yet be at a stay. Yea, we trust, that he shall so follow  
 ‘ forth this trade, as to chase home the Beast, and the false Prophet to

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‘*Rome*, and from *Rome* out of the world. Besides, this third Consideration resulteth from the former two ; for if this Expedition be necessary, and if it be defensive, then it followeth inevitably, that we are called unto it, for our necessary defence is warranted, yea commanded by the Law of God and Nature, and we are obliged to it in our Covenant.

‘Fourthly, The lawfulness of this Expedition appeareth, if we consider the party against whom, which is not the Kingdom of *England*, but the *Canterburian* faction of Papists, Atheists, Arminians, Prelates, the misleaders of the Kings Majesty, and the Common Enemies of both Kingdoms. We perswade our selves, that our Brethren and Neighbours in *England*, will never be so evil advised, as to make themselves a party against us, by their defence and patronage of our Enemies among them, as sometimes the Benjamites made themselves a party against the Israelites, by defending the Gibeathites in their wicked cause, *Judg.* 20. We pray God to give them the wisdom of the wise Woman in *Abel*, who when *Joab* came near to her City with an Army, found out a way which both kept *Joab* from being an Enemy to the City, and the City from being an Enemy to him, *2 Sam.* 20. As touching the provision and furniture of our Army in *England*, it shall be such as is used among friends, not among enemies. The rule of humanity and gratitude will teach them to furnish us with necessaries, when as beside the procuring of our own peace, we do good offices to them. They detest (we know) the churlishness of *Nabal*, who refused victuals to *David* and his men, who had done them good and no evil, *1 Sam.* 20. And the inhumanity of the men of *Succoth* and *Penuel*, who denied bread to *Gideons* Army, when he was pursuing the Common Enemies of all *Israel*, *Judg.* 8. But let the English do of their benevolence, what humanity and discretion will teach them ; For our own part our Declaration sheweth, that we seek not victuals for nought, but for money or security : And if this should be refused (which we shall never expect) it were as damnable as the barbarous cruelty of *Edom* and *Moab*, who refused to let *Israel* pass through their Countrey, or to give them bread and water in any case, *Numb.* 20. *Judg.* 11. and this offence the Lord accounted so inexpiable, that for it he accursed the *Edomites* and *Moabites* from entering into the Congregation of the Lord, unto the tenth Generation, *Dent.* 23. 3, 4.

‘Fifthly, The fifth Consideration concerneth the end for which this Voyage is undertaken. We have attested the searcher of hearts, It is not to execute any disloyal act against his Majesty, It is not to put forth a cruel or vindictive hand against our Adversaries in *England*, whom we desire only to be Judged and Censured by their own Honourable and High Court of Parliament ; It is not to enrich our selves with the Wealth of *England*, nor to do any harm thereto. But by the contrary, we shall gladly bestow our pains and our means to do them all the good we can, which they might justly look for at our hands, for the help which they made us at our Reformation, in freeing us from the *French*, a bond of peace and love betwixt them and us to all generations. Our Conscience, and God who is greater than our Conscience beareth us record, that we aim altogether



‘altogether at the glory of God, peace of both Nations, and honour  
‘of the King, in suppressing and punishing (in a legal way) of those  
‘who are the troublers of *Israel* the firebrands of Hell, the *Korhas*,  
‘the *Baalams*, the *Doggs*, the *Rabshakabs*, the *Hamans*, the *Tobriahs* and  
‘*Sanballats* of our time, which done, we are satisfied. Neither have  
‘we begun to use a military Expedition to *England*, as a mean for  
‘compassing those our pious ends, till all other means which we  
‘could think upon have failed us, and this alone is left to us as *ultimum*  
‘& *unicum remedium*, the last and only remedy.

‘Sixthly, If the Lord shall bless us in this our expedition, and our  
‘intentions shall not be crossed by our own sins and miscarriage, or  
‘by the opposition of the *English*, the fruits shall be sweet, and the  
‘effects comfortable to both Nations, to the Posterity, and to the  
‘Reformed *Kirks* abroad: *Scotland* shall be Reformed as at the be-  
‘ginning, the Reformation of *England* long prayed and pleaded for  
‘the Godly thereby shall be according to their wishes and desires,  
‘perfected in Doctrine, Worship and Discipline. Papists, Prelates,  
‘and all the members of the Antichristian Hierarchy, with their Ido-  
‘latry, Superstition, and humane Inventions shall pack from hence,  
‘the names of *Sects* and *Separatists* shall no more be mentioned, and  
‘the Lord shall be one, and his name one throughout the whole Island,  
‘which shall be glory to God, honour to the King, Joy to the King-  
‘doms, comfort to the posterity, example to other Christian *Kirks*,  
‘and *Confusion* to the incorrigible *Enemies*.

The Covenanters also dispersed another Paper in Justification of  
their intentions to come into *England*, which see at large in the *Ap-  
pendix*.

On the twentieth of *August* the King published a *Proclama-  
tion* to summon all such as hold of his Majesty by  
grand Sergeanty, Escuage, or Knights-Service, to do  
their services against the *Scots*, according to their te-  
nures.

**W**hereas the King's Majesty intends forthwith in his own  
person, or by his Lieutenant, with an Army Royal, to go  
in War against the *Scots* (by Gods assistance) to repress their  
Treasons and rebellions, and for that end hath already begun his  
journey towards the Northern parts of this Kingdom, his Majesty  
therefore doth hereby require and straitly charge and command, all  
Lords Spiritual and Temporal, Barons, Knights, Esquires,  
Gentlemen, and all others of what estate or condition soever, who  
hold of his Majesty by grand Sergeanty, or hold of his Majesty  
or of any of his Wards by Escuage, or Knights Service (and are  
thereby bound to go in their own persons, or to find others for  
them to go with his Majesty, or his Lieutenant in the said War  
against the said Rebels) That they take knowledge of this his  
Majesties publick Summons, and with all meet expedition after  
the publishing hereof, and at the farthest before the twentieth  
day

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Day of September next, be ready furnisht with Horse and Armes for performance of their said Services, at the Town of Newcastle upon Tyne, or at such other place where his Majesties said Army shall then reside; from thence to go with his Majesty, or his Lieutenant in War against the said Rebels: and hereof they may not fail, under the penalties of the Law, and as they tender the Service of his Majesty, and the safety of the Kingdom.

Nevertheless, for such as do hold of his Majesty, or of his said Wards, who upon just occasions shall seek to be spared and dispensed with, for their attendance and service in this Expedition, his Majesty is graciously pleased, and hath authorized the Lord Treasurer, Chancellour and Barons of his Exchequer for the time being, or any two or more of them (whereof the Lord Treasurer or Chancellour to be one) upon fines to his Majesties use, to admit to composition, and compound with such of those Tenants, as they shall think fit to be spared and dispenced with for this present Service, whom his Majesty doth hereby declare shall be free and exempted accordingly: so as they shall make their said Compositions before the said twentieth day of September next, whereby his Majesty may be provided of other meet persons in their turn to perform the said Services.

Given at our Court at *White-Hall* the twentieth day of *August* in the sixteenth year of his Majesties Raighn.

*White-Hall* Aug. 20. 1640.

## A P R O C L A M A T I O N

For the Levying and payment of the *Ship-Money* in Arrear.

Whereas his Majesty out of his Princely care of the Defence of this Realm and safety of his Subjects, understanding of the great preparations of Shipping beyond the Seas, as well this present year as in divers years preceding, and the imminent Perils thereby appearing on every side in these Dangerous and Warlike times; For the speedy Defence of this Kingdom and People, guarding of the Seas, and secure Conduat of Shipping and Merchandize (wherein all his Subjects were concerned) did as well for divers years past, as in November last, direct his severall Writs to severall Sheriffs, Mayors, Bayliffs, and other his Officers and Subjects of the severall Counties of England and Wales, Thereby Commanding the Providing and Getting in readyness certain Ships furnished with Ordnance and Arms, and Manned and Equallled at the Charges of the said Counties, in such sort as by the same Writs were appointed: but his Majesty finding that the said Ships were not provided according to the Tenour of the said Writs, nor the Monies Levied (according to the Estimates yearly given by the Lords and Others of his Majesties Privy Council) for setting forth



forth those Ships, his Majesty for the Common Defence and Safety of his Kingdom and People, was constrained at his own great Charges, yearly to make out and maintain that Shipping which he expected from his Subjects.

And therefore his Majesty as he cannot but censure the most of his Sheriffs and other his Minuters of great neglect in the Execution of that service, according to their Oaths and the Duty of their places, so he will now expect from them an Undelayed and Faithful performance of the same without labour or connivance. And to that end, his Majesty doth hereby straitly Charge and Command all his present Sheriffs, Bayliffs, and other his Officers and Ministers to whom it appertaineth, forthwith not only to Raise and Levy the said moneys appointed to be Collected and Raised for the Providing and Furnishing the said Ships for this present Year, But also to give forth their Warrants to the preceding Sheriffs, Mayors and other Officers respectively for the Raising and Levying of those Arrears which happened in their times: And that as well the Sheriffs, Mayors and other Officers for this present year, as those for the year past, who are in Arrear to his Majesty shall make their payments Respectively to the Treasurer of his Majesties Navy at or before the first day of November next, without further Respite or delay upon pain of High Contempt against his Majesty, and to be further proceeded with and punished according to the Quality of their Offences in that which so much importeth the publick good and safety of the Kingdom.

ON the same twentieth of *August* the *Kings Attorney* presented the Lords of the Council at *White-Hall* a Copy of a *Commission of Array* settled by Parliament in 5 *Hen. 4.* and upon debate had thereupon, it was ordered that the *Lord Keeper* of the Great Seal shall issue out *Commissions of Array* in the form aforesaid for each of the Counties of *England* and *Wales*, directed to the Lords Lieutenants and Sheriffs of the Counties, and to such of the Lieutenants or others being three or more as the said Lord Lieutenants should recommend. And his Majesty and the Board declared that there was *no intention by these Commissions of Array* to derogate from or in any sort to abridge the *Commissions of Lieutenancy*, but that the Lords Lieutenants may make use of both these concurrent Commissions where they shall find a fit occasion for the advancement of his Majesties Service. And accordingly the *Lord Keeper* was directed forthwith to take effectual care herein.

THE Deputy Lieutenants of *Devonshire* about this time represented to the *Earl Marshal* two difficulties in putting the Trained Bands and other Forces in readiness to march and serve in the common Defence. First, the distraction among the Gentry and others, unto which service personally to apply themselves; that which the Trained Bands required as aforesaid, or the other according to *Esquage* and tenures in *Knights Service*, both of them being Commanded by Proclamation. Secondly, the way of raising money for the Charge of the said Bands and Forces when they shall be required to March.

In these objected difficulties directions being desired from the Council Table, they answered that the service imposed upon the Trained

16 *Caroli.*

Orders to the Lord Keeper to issue out Commissions of Array.

The Deputy Lieutenants of *Devonshire* rise a doubt about the *Commission of Array*.



An. 1640.



Trained Bands and other Forces for the Common Defence by his Majesties Letters and Proclamation is carefully to be performed by every man in his own person, but for *that attendance on his Majesty* required by the other Proclamation according to the tenures in *Knights Service*, it may and will suffice that the same be done by Deputy, or else that persons so holding their Lands give satisfaction by way of Composition; and for the other difficulty how to provide for the Charge of these Forces when they shall March, it was ordered by them that not only the *Laws and Customes* of this Kingdom require that in time of actual invasion every man serve in the common defence at his own charge, but that the very Law of nature doth teach and oblige us thereunto without sticking or staying upon any such terms or questions, and that it hath been the Custome and Practice within this Kingdom both in Ancient and Modern times when there was a doubt and fear of Invasion; but this present danger is past all manner of doubt by an actual Invasion of the *Scottish Rebels* with so great an Army that his Majesties Subjects in the North serve him cheerfully at their own charges with Bodies and Fortunes, it was hoped that the Subjects in other parts would take the like care for the issuing of the *Commissions of Array* into the several Counties, and for those Counties which were under the Lieutenancies of those Lords that attended his Majesty into the North, or were so employed in his Majesties Service, that they could not be present within their own Lieutenancies, that the Commissions should be directed to such Persons of Quality and worth as the Lords Lieutenants shall thereunto name and recommend to the Lord Keeper.

The Earl  
Marshal  
ordered to  
Execute the  
Commission of  
Array, the  
Scots being  
Entred into  
England.

THE Earl Marshal of England had a Commission to command all Forces on the South side Trent, and by his Majesties private Instructions was enjoined to receive the advice and direction of the Privy Council, or of six or more of them. And it being made known to the Board that the Scots were passed over the River Tweed, and were entred and marched with great Forces within this Kingdom, and the Earl Marshal moving their Lordships for their direction, it was ordered by the Board, that the said Earl shall proceed forthwith to Execute his Commission, and that for this end he shall write Letters to all the Lords Lieutenants, and in their absence to the Deputy Lieutenants of all the Counties within his Commission to require them to have in readiness not only the Trained Bands both Horse and Foot of their several Lieutenancies, but to put all other persons that are able either in Body or Estate to do Service, into the best Order they can for Arms both for Horse and Foot, to be ready either to defend the County in which they dwell, or to come under the Command and Conduct of their Lords Lieutenants or their Deputy Lieutenants to such Rendezvous elsewhere, and such times for Defence of the Publick, as the said Earl Marshal or his Lieutenants shall appoint, and to be all in such readiness as they may be able to March at twenty four hours warning after command received from him.

ON the twenty third day of August, his Majesty having in three dayes Arrived at York, the next day August 24. the Gentry of that County waited upon his Majesty at the Pallace called the Manor at York, and presented him a second Petition to the effect following;

Whereas



16 Caroli.

The second  
Petition of  
the Gentry  
to his Majesty  
at York.

‘**W**Hereas there was an humble Petition lately presented unto your Majesty by divers of the now Petitioners, and others of the Nobility and Gentry of this County, without any intention of Tumult though so conceived, touching the pressure then lying upon the County by the Billeting of Souldiers, with intimation of an hundred thousand pound Expended by the County concerning Military affairs the last year in your Majesties Service, the Calculation of which summ by the answer to the said Petition was held exorbitant and much mistaken, the truth whereof and the rest of the Petition we shall in all humility make appear if your Majesty require it, and we most humbly supplicate your Majesty to be graciously pleased that we be not for the future debarred of the immediate Petitioning to your most Sacred person, in matters wherein the publick good and safety of this County shall be interessd.

‘And whereas your Majesty did yesterday to our great comfort and encouragement declare your Royal intentions to *lead on the Trained Bands* of this Countrey to the Frontiers of the same, for the defence and safety of your Royal Person and Countrey, whereto with all cheerfulness we humbly offer our best endeavours, with our most humble thanks for so gracious a favour :

‘Yet so it is, most Gracious Sovereign, that the poverty of this Countrey is such that we conceive they cannot be drawn to Raise and March *without fourteen dayes pay* from your Majesty before they move, upon receipt whereof we are confident they will be ready to March under your Majesties sole Command, to such Rendezvouz as your Majesty shall appoint within this County, humbly desiring your most Excellent Majesty, that seeing the Armes of this County will be twelve thousand Foot, and four hundred Horse, a considerable number, that we may not be disunited upon any occasion of service.

Phillip Wharton.  
Ferdinando Fairefax.  
Henry Bellasis.  
William Savile.  
Francis Wortley.  
Thomas Gower.  
Jo. Hotham.  
Ed. Stanhop.  
Henry Griffith.  
William Sheiffeild.  
Richard Darly.  
Jo. Ramsden.  
Hugh Cholmeley.  
Hugh Bethell.  
William Strickland.  
Thomas Remmington.  
Thomas Metham.  
Robert Strickland.  
Jo. Legard.  
George Buttler.  
Francis Monntone.

Henry Cholmeley.  
George Trotter.  
Henry Darley.  
Richard Remington.  
William Franckland.  
Thomas Hebblethwaite.  
Jo. Hotham.  
Christopher Pearcihey.  
Jos. Pearcey.  
Brian Stapleton.  
Phillip Stapleton.  
Ing. Hopton.  
Henry Anderson.  
George Crosbie.  
George Marwood.  
Thomas Hisketh.  
Jo. Anlabie.  
Christopher Legard.  
Jo. Inglebie.  
Mar. Norcliffe.

With divers others.

Ttttttt

August

An. 1640.

Aug. 26.

1640.

Commissioners to attend  
the tryal of  
the *Essex*  
Offenders.

**A**ugust 26. Whereas it is formerly mentioned that the Lords of the Privy Council had writ several Letters to secure the persons of such Souldiers in *Essex* as had in their March mutined and committed Insolencies, and Information being further given that others of those new Levyed Souldiers had broke into a Church, pulled away the Communion Table from the Altar, &c. and burnt the Railes that were about it, before the door of the Ministers House, frightening him therewith, so that he forsook his House for a time; Now the Assizes being near at hand, the Lords of the Privy Council thought fit to write this ensuing Letter.

**T**Heir Lordships this day sitting in Council upon weighty and good Considerations, did think fit and order that the Earl of *Warwick*, and the Lord *Maynard*, Lords Lieutenants for the County of *Essex*, should be hereby prayed and required to give Command, and provide that all the Commissioners appointed in his Majesties late Commission of Oyer and Terminer, issued for the enquiry and punishment of the late Rioters and such like Offenders within that County, should not fail of being present, together with the said Lords Lieutenants themselves in their own persons, at the time of executing the said Commission, and of the Trial that is to be had of the said offenders, and more especially that the said Lords Lieutenants, Sir *Thomas Barrington*, Sir *Harbottle Grimston*, Knights and Barons, and Sir *William Hix*, Baronet, do by no means fail of being present thereat, together with the Judges, and attending upon the said Commission, until the same be fully executed. Whereof they the said Lords Lieutenants for themselves and all the said Commissioners, more especially the three Gentlemen herein named, are hereby required to take notice, and to govern themselves accordingly.

Aug. 26.

Directions for  
Commissions of  
Array to some  
fit persons, for  
as much as  
the Earl of  
*Northumber-*  
*land*, &c. can-  
not be in per-  
son in the  
*North*.

**W**Hereas the Kings Most Excellent Majesty before his departure for the Northern parts, did declare and give order that Commissions of Array should be dispatched into all the Counties of *England* and *Wales*, whereby the better to enable the Lords Lieutenants in doing his Majesties service, according to the several duties of their places, in this stirring and dangerous time: Their Lordships having this day taken consideration thereof, together with the Lord Keeper of the Great Seal of *England*, now present in Council, It was thought fit and ordered, that his Lordship should forthwith take effectual care for the issuing those Commissions accordingly. And that the Commission to be issued for the County of *Cumberland*, which is under the Earl of *Arundel* and *Surry*, Earl Marshal of *England*, and of his Son the Lord *Maltravers*, that in regard neither the said Earl nor his Son can personally be present in the said County by reason of their other said great occasions of his Majesties Service in these Southern Parts; as also the Commission for the County of *Northumberland*, which is under the Earl of *Northumberland*, Lord High Admiral of *England*, that in regard the said Lord High Admiral cannot be personally present in the said County of *Northumberland* by reason of his Lordships extremity of *Sickness*; It was ordered that the several Commissions for those Counties should be directed to such persons of Quality and Worth, whom



‘ whom the said Lords Lieutenants should thereto name, and recom-  
 ‘ mend unto the *Lord Keeper*. And that the like course should be  
 ‘ taken for the Counties, which are under the Lieutenancies of the  
 ‘ Lord Chamberlain, and the Earl of *Holland*, and such other Lords  
 ‘ Lieutenants, who being now tyed to attend his Majesty in person in  
 ‘ the *North*, cannot themselves be present in their Lieutenancies, who  
 ‘ are to have notice of this their Lordships Order, and are hereby to  
 ‘ be prayed and required to send such names unto the *Lord Keeper*, of  
 ‘ persons upon whom they can confide, that the same may be in-  
 ‘ serted in the said Commission, who in absence of the said Lords  
 ‘ Lieutenants, are thereby to be Authorized for the full performance  
 ‘ of all Service required by the aforesaid Commission to be issued for  
 ‘ the Bishop of *Durham*, Lord Lieutenant of that County *Palatine*,  
 ‘ which *Commission of Array* is to be directed unto them both.

At WHITE-HALL, Aug. 26. 1640.

An Order and Direction of the Lords of the  
 Privy Council, to put the *Commission of Array* in Exe-  
 cution.

‘ **W**Hereas the Kings Majesty having for the Defence of this  
 ‘ Kingdom in this occasion of the Rebellion of the *Scots*, and  
 ‘ for other great and weighty Considerations given his Royal Com-  
 ‘ mission unto the *Earl Marshal of England* of Captain General of all  
 ‘ his Majesties Forces on this side *Trent*, and hath by his private In-  
 ‘ structions unto the said Earl enjoined his Lordship to receive the  
 ‘ advice and direction of the Lords of his Council, or of six or more  
 ‘ of them, who shall be resident here in his Majesties service, when to  
 ‘ put the same in execution, It being this day made known unto their  
 ‘ Lordships by Mr. Secretary *Windebanke*, that the said Rebels were  
 ‘ passed over the River *Tweede*, and were entred and marched with  
 ‘ great Forces within this Kingdom, the said *Earl Marshal* hereupon  
 ‘ moving their Lordships, for their direction as aforesaid, It was  
 ‘ thought fit and ordered by the Board, that the said *Earl Marshal*  
 ‘ should be hereby prayed and required with all expedition to pro-  
 ‘ ceed to the execution of his Lordships said Commission, and that  
 ‘ for this end he should write Letters to all the Lords Lieutenants,  
 ‘ and in their absence to their Deputy Lieutenants of all the Counties  
 ‘ that are within his Commission, whereby to require them to have  
 ‘ in readines, not only all the Trained Bands both Horse and Foot of  
 ‘ their severall Lieutenancies, but likewise all other persons that are  
 ‘ able either in Body or Estate to do service, to be put into the best  
 ‘ order they can for Arms both for Horse and Foot, and be ready ei-  
 ‘ ther to defend the County in which they dwell, or to come under  
 ‘ the Command and Conduct of their Lords Lieutenants, or their De-  
 ‘ puty Lieutenants, to such Rendezvous elsewhere, and at such times  
 ‘ for the defence of the publick as the said Captain General, or in his  
 ‘ absence his Lieutenants shall appoint, and all to be in such readi-

The Captain  
 General of his  
 Majesties For-  
 ces on the  
 South of *Trent*  
 to take Order  
 that all that  
 are able to  
 bear Armes  
 be in readi-  
 ness, the *Scots*  
 having actu-  
 ally invaded  
 the Kingdom.

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'neſs, that they may be able to march at twenty four hours warning  
'at the fartheſt, after Command to be received from him or his Lieu-  
'tenant on that behalf. And although the ſaid Captain General  
'hath full power of himſelf to call for all Forces both of Horſe and  
'Foot, as well Trained Bands as others within his ſaid Commiſſion  
'to attend ſuch Rendezvouz, and at ſuch time, and upon ſuch warn-  
'ings as he ſhall judge fit according to the neceſſity of affairs, Yet  
'his Maſteſty being now in the *North*, and ſeeing all things there at a  
'nearer diſtance, It was further thought fit and ordered by their  
'Lordſhips, that his Maſteſties Attorney General ſhould prepare a  
'Draught of a Proclamation fit for his Maſteſties ſignature, to de-  
'clare his Maſteſties pleaſure in the premiſes, to the end that all true  
'obedience, aid and aſſiſtance may be given unto the Commands  
'and Directions of the ſaid *Earl Marſhal* and his Lieutenant from  
'time to time in the execution of his Lordſhips aforeſaid Commiſſi-  
'on; Nevertheleſs his Maſteſties pleaſure is that for ſuch Forces as  
'are or ſhall be Commanded by himſelf, or Levyed by his Maſteſties  
'Captain General of his Army, for his Maſteſties ſervice in the *North*,  
'that they ſhall be ſpared from ſerving in his Maſteſties Army on this  
'ſide *Trent*.

Aug. 26.  
1640.

## A Warrant with General Directions as followeth.

*Henry Bold* to  
be furniſhed  
with Carts,  
Horſes, &c.  
in his paſſage  
with the Earl  
of *Strafford*  
proviſions.

'WHereas there are ſix Waggonſ and two Cartſ now ſent to-  
'wards his Maſteſties Army in the *North* parts, under the  
'Charge of the bearer hereof, *Henry Bold*, with divers Proviſions  
'for our very good Lord the Earl of *Strafford*, Lord Lieutenant Gene-  
'ral of his Maſteſties ſaid Army, Theſe are ſtraitly to Charge and  
'Command you and every of you, whom it may concern, in caſe  
'any of the ſaid Waggonſ and Cartſ, or the Horſes belonging to  
'them, ſhould fail in that Journey, the ſaid *Henry Bold* paying for  
'them ſuch reaſonable prices as are accuſtomed in his Maſteſties like  
'ſervices. And we do likewise hereby Will and Command you to  
'give any other further aſſiſtance herein, which ſhall be needful for  
'the ſafe and ſpeedy paſſage of the ſaid proviſions to his Maſteſties ſaid  
'Army, as you will anſwer the contrary at your perils. Dated at  
'*White-Hall* Auguſt 26. 1640. Signed by

Lord Arch-Biſhop of Canter-  
bury.

Lord Keeper.

Lord Treasuſer.

Earl of Dorſet.

Lord Newburgh.

Mr. Secretary Windebanke.

Sir Thomas Rowe.

Lord Chief Juſtice of the Com-  
mon Pleas.

ON the twenty ſeventh of *Auguſt* in the Forenoon, his Maſteſty re-  
ceived intelligence from the Lord *Conway*, that the *Scots* would  
that night be near *Newcaſtle* with their Army, craving his Maſteſties  
pleaſure and directions, about the diſpoſing of his Army to the In-  
terraption of the march of the *Scots*.

The King immediately called the Gentry of *Yorkſhire* then at *York*  
together, to wait upon his Maſteſty, to whom the Earl of *Strafford*  
made a Speech, (the King being preſent) to the effect following.

That



‘**T**Hat the *Scots* have Invaded *England*; this County in former times with a small help besides, kept them within their Bounds; their pretence to Religion appears now to be nothing else but Rebellion and Invasion, it is now no time of Disputation, but of Preparation and Action; and though some of my Countrymen, who would fain seem to the World to know much of the Law, (but indeed, are ignorant and know nothing they should) are loth to advance at their own Charges, I must let all such know, that they, and so are we all bound out of our Allegiance to his Majesty at our own proper Costs and Charges to attend his Majesty in this Service, in case of Invasion, and that it is little less than high Treason in any one to refuse it; I say it again, we are bound unto it by the Common Law of *England*, by the Law of Nature, and by the Law of Reason, and you are no better than Beasts, if you refuse in this case to attend the King, his Majesty offering in person to lead you on; and if the last year ye were so forward to attend his Majesty beyond the Frontiers of this County, to prevent an Invasion, now you should be far more willing, (now having already Invaded, and are on their march near *Newcastle*) It is your prudence to keep them from coming nearer to you, if they once find the sweetness of your soyle, they will hardly depart from the same. In a word, Gentlemen, if you will be close fistd, and not open your purses, nor attend the King’s person, you must be content to lose all, but if you will be free and liberal you will save all.

‘But Sir, I must not lay the whole Burthen upon this County, shall they bear the Burthen and the Brunt, and other Counties reap the Benefit, and not Contribute towards the Charges? Let *Northamptonshire*, *Leicestershire* and other Counties bear a proportionable part, (and great reason too, said his Majesty): spare me one word more, said the Earl, for this County in eighty eight, they were brought from six thousand to twelve thousand of the Trained Bands, by reason of the then Pressing occasion, but with promise to be reduced to their former number, that service being done; yet notwithstanding they have continued to twelve thousand ever since. I shall therefore become a humble suiter to your Majesty, that after this service done, they may be reduced to their former number, or at least four thousand to be abated; I will, said the King, upon my Royal word, take off four thousand from the twelve thousand after this service done; and I give my Lord Lieutenant thanks for his motion, though I had before declared to the Marquess my Intention therein.

**P**Resently after the Earl of *Strafford* had ended this Speech to the Gentry of *Yorkshire*, he immediately prepared a Pacquet to be sent Post to the Lord *Conway*, then understanding the *Scots* were come near *Newcastle*. And the Author of these *Collections* being newly come Post from *London* to *York*, and hearing a Pacquet was about to be sent to *Newcastle*, took the opportunity to bear the messenger company thither: but when the Authour and the Messenger with the Pacquet came to *Newcastle* upon the twenty eighth of *August* in the morning, they were informed that the Lord *Conway* was gone to the

Army

16 Caroli.

Aug. 27.

1640.

The Earl of  
*Strafford*’s  
Speech to the  
Gentry of  
*Yorkshire*.

The Earl of  
*Strafford*  
sends a Pac-  
quet to the  
Lord *Conway*.

An. 1640.

It is deliver-  
ed to him.At the same  
time, the  
Army was  
suddenly En-  
gaged.The Scots  
send a Drum-  
mer to New-  
castle.

Army near *Newborn*, whither we went immediately, and found the Lord *Conway* and the Field Officers at a Council of War at *Stella*, half a mile distance from the Army, and delivered the Lord *Conway* the Pacquet, which being opened, it contained special Orders to prepare the Army for an Engagement with the *Scots*. Whilest they were in debate of this matter, an *Herauld* came in all haste from the Army to acquaint the Lord *Conway* and Council of War, that the Army was already engaged with the *Scots*; which seemed strange to them, because orders were given not to Fight but upon the Defence: but the Council of War suddenly broke up and hastened to the Army. And as it was reported, Colonel *Goring* came out of the Room where the Council of War sate, and publicly said to some of the Officers, that the Lieutenant General of the Army needed not to have sent Orders to bid them Fight whoever came of it, for the Enemy had begun the work to their hands; his Majesty and the Earl of *Strafford* were at this time at *York*.

IT is to be observed that on the said twenty seventh of *August*, when the *Scots* encamped their Army about *Newborne*, General *Lesly* sent his Drummer towards *Newcastle*, at which time Sir *Jacob Aspley*, Colonel *Goring* and some other Commanders were riding a little out of Town to view the ground near the Walls, where they met the Drummer, who being demanded whence he came, he said from General *Lesly*, and shewed two Letters, one directed to the Commander in Chief, and the other to the Mayor of *Newcastle*, which Sir *Jacob Aspley* took, and read the Supercriptions, but in regard they were Sealed, delivered them back to the Drummer, and bid him remember his service to his General, and tell him no sealed Letters ought to be received, and if he sent any more, the bearer thereof had better stay at home; so the man with his Kettle Drums on Horseback returned, but the Contents of the Letters were not known, conceived only to be a kind of Summons.

That night the *Scots* pitched their Tents on *Haddon-Law* above *Newborne*, from whence there went a continued descent to the River of *Tyne*. In the night time they made great fires in and round about their Camp on an open Moorish ground, (having Coals plenty thereabouts) so that the Camp seemed to be of large compass and extent.

That night and the next morning they suffered any English man to come into their Camp, and made them welcome with expressions of great love and protestations of doing harm to none but those who should oppose them in demanding Justice of the King against *Incendiaries*.

The same night part of the Kings Army consisting of three thousand Foot and fifteen hundred Horse were drawn forth into a plain Meadow ground which was near a mile in length, close on the South side of *Tyne* called *Newborne-Haugh* or *Stella-Haugh*, to hinder the *Scots* from passing the River in the night time, where were two several Sconces or Breast-works raised by the *English* against the two Fords, which the *Scots* might pass over at Low water, for till then they could not pass the *Tyne*, and into each Sconce were put four hundred Musqueteers and four pieces of Ordinance.



The Horſe were drawn into Squadrons in the ſaid *Haugh* at ſome diſtance from the Foot, in this poſture Horſe and Foot guarded the River all that night and the next day, till the engagement.

The *Scots* all the forenoon watered their Horſes at one ſide of the River and the *Engliſh* on the other ſide without affronting one another or giving any reproachful language.

The *Scots* having the advantage of the riſing ground above *Newbourne* eaſily diſcerned the poſture and motion of the *Engliſh* Army below in the Valley on the Southſide the River, but the poſture of the *Scots* Army the *Engliſh* could not diſcern by reaſon of the Houſes, Hedges and Incloſures in and about *Newbourne*. The *Scots* brought down Cannon into *Newbourne* Town, and planted ſome in the Church Steeple a ſmall diſtance from the River *Tyne*, their Muſqueteers were placed in the Church, Houſes, Lanes and Hedges in and about *Newbourne*.

The Skirmiſh began thus (as the Author of theſe Collections was informed, being then upon the place). A Scottiſh Officer well mounted having a black Feather in his Hat came out of one of the thatcht houſes in *Newbourne* and watered his Horſe in the River *Tyne*, as they had done all that day, an Engliſh Souldier perceiving he fixed his eye towards the Engliſh Trenches on the South-ſide of the River fired at him (whether in earneſt, or to fright him is not known) but wounded the Scottiſh man with the ſhot, who fell off his Horſe, whereupon the Scottiſh Muſqueteers immediately fired upon the *Engliſh*, and ſo the fight begun with Small-ſhot, but was continued with great ſhot as well as ſmall.

The *Scots* played with their Cannon upon the *Engliſh* Breſt-works and Sconce; The Kings Army played with their Cannon to beat the *Scots* out of the Church-ſteeple; thus they continued firing on both ſides, till it grew to be near low water, and by that time the *Scots* with their Cannon had made a breach in the greater Sconce which Colonel *Lunsford* commanded, wherein many of his men were killed and began to retire, yet the Colonel prevailed with them to ſtand to their Armes, but preſently after a Captain, a Lieutenant, and ſome other officers more were ſlain in that work. Then the Souldiers took occaſion to complain that they were put upon double duty, and had ſtood there all night and that day to that time, and that no Souldiers were ſent from the Army at *Newcaſtle* to relieve them; but Colonel *Lunsford* again prevailed with them not to deſert their Works, but another Cannon-ſhot hitting in the Works amongſt the Souldiers, and killing ſome more of them, they threw down their Armes and would abide in the Fort no longer.

The Enemy on the riſing Hill above *Newbourne* plainly diſcerned the Poſture of the King's Army, and how the Souldiers had quit the great Work, and being low Water, the *Scots* commanded a Forlorn party of twenty ſix Horſe, being Gentlemen of the Colledge of *Juſtice Troop*, to paſſe the River which they did with ſome ſwiftness, their orders were only to make diſcovery in what poſture the Souldiers were about the uppermoſt Work, but not to come to cloſe engagement, but fire at a diſtance and retreat.

The *Scots* playing at this time very hard upon the furthermoſt Trench, forced the *Engliſh* Foot to retreat from that work alſo, which the *Scots* diſcerning on the riſing ground at *Newbourne*, more Horſe commanded

An. 1640.

commanded by *Sr. Thomas Hope*, and two Regiments of Foot commanded by the Lord *Craford Lindsey* and Lord *London* waded through the River, and General *Lefly* at this instant of time played hard with nine piece of Cannon from a new Sconce which they had raised on a Hill to the *East*, and so galled the King's Horse drawn up in plain Meadow ground, that it much disordered them, and sending more Forces over the River, a retreat was founded, and Colonel *Lunsford* drew off the Cannon. Immediately Commissary *Wilmot* Son to the Lord *Wilmot*, *Sr. John Digby* a *Romish* Reculant, and *Daniel O Neal* an *Irish-man* joyntly engaged the Enemy, and had a sharp Encounter with their Horse, they being commanded to bring up the Rear, whilest the Foot retreated up *Riton* and *Stella* Banks, but the *Scots* with their fresh Supply newly come over the River, environed these three Commanders, and took them and some others of their Troops Prisoners; General *Lefly* treated these Commanders nobly in the *Scots* Camp, and afterwards gave them their liberty freely to return to the King's Army.

In this Engagement Cornet *Porter*, Son to *Endymion Porter* of the Bed-Chamber was slain, and during the whole Fight about sixty men more as the *Scots* told us, after the Cessation of Armes was agreed unto; for the *Scots* buried the dead; and afterwards they further told us that most of them that were killed lay about the works; how many of the *Scots* were slain we know not. At the Engagement with the King's Horse, none of the *Scots* of quality were slain, but Captain *Macgee* Son of *Sr. Patrick Macgee* Sheriff of *Galloway*, and one Mr. *Thomas Dacolmy* a Gentleman of the General's Life-guard.

English Army  
retreats to  
*Durham*.

After this retreat the Lord *Conway* called a Council of War, and it was there resolved at twelve at night, that the whole Army should retreat to *Durham* Horse and Foot, and Train of Artillery, and to quit *Newcastle*.

THE next day being *Saturday, August 29.* the Lord *Conway* and *Sr. Jacob Ashby* by five of the Clock in the Morning caused all the Souldiers both Foot and Horse in *Newcastle* to march away with the Ordnance and other Warlike Provision to *Durham*, leaving *Newcastle* naked of Souldiers, and in the Afternoon *Douglafs* Sheriff of *Tividale* came with a Trumpet, and certain Troops of Horse to the Gates at *Newcastle* which were shut against him, and after some Parley and Threatning to plant Ordnance against the Town, the Mayor *Sir Peter Riddel*, Knight, (who was destitute of men and Armes to defend the Town) opened the Gates and suffered him to come in, and the next day being *Sunday*, fifteen Lords and *Douglafs* came and dined with the Mayor, drank a health to the King, had three Sermons that day by their own Divines. On *Monday* after *Lefly* came and pitched his Tents on *Gatefide* hill, half a Mile South of *Newcastle*.

The Scots enter  
*Newcastle*.

ON *Tuesday, Septemb. 1.* he demanded of the Mayor of the Town to Bake certain quantities of Bread, and to Brew so may Tun of Beer a day, which the Mayor unwilling to undertake, the *Scots* employed men about it, giving money in part, and a Note in Writing as security for the rest.



ON Thursday, Sept. 3. there came a Smmons to Sr. William Bellasis, Knight, Sheriff of the County Palatine of *Durham*, and Sr. William Lambton, Knight, two Gentlemen of good quality in the same County, (the latter of which was afterwards at *York* Battle slain fighting under the King's Colours), which Summons was to appear before General *Lesley* at his League at *Newcastle* on Saturday the fifth of September, by eight of the Clock, Signed by *Montross*, *Roths*, and *Lindsey*; and accordingly they went (having first obtained leave from the King to go to the *Scots* Quarters for the good of the Countrey); that Summons under those *Scots* Lords hands was to require the Countrey to bring in Provision to the *Scots* Army upon payment of money in part, and security for the rest, or otherwise they must take it without Security.

At this time *Newcastle* and the Cole-Mines that had wont to employ ten thousand people all the year long about their Coalery, some working under ground, some above, others upon the water in Keels and Lighters, now not a man to be seen, not a Coal wrought, all absconding, being possessed with a fear the *Scots* would give no Quarter; 400 ships using to be there often at a time in the River, not a ship durst come in, and an hundred and odd coming to the mouth of the Haven the day after the Fight, and hearing the *Scots* had possessed *Newcastle* returned all empty, and Tradesmen in the Town for some dayes kept their shops shut, many Families gone leaving their houses and goods to the mercy of the *Scots*; who possessed themselves of such Corn, Cheese, Beer, &c. as they found, giving the owners thereof or some in their stead some money in hand and security in writing for the rest to be paid at four or six months end, in money or Corn, and if they refuse, said the *Scots*, such is the necessity of their Army, that they must take it without security rather than starve.

As for the City of *Durham*, it became a most depopulated place, not one shop for four dayes after the fight open; not one house in ten that had either man, woman or child in it, not one bit of bread to be got for money, for the Kings Army had eat and drank all in their march into *Yorkshire*, the Countrey People durst not come to Market, which made that City in a sad condition for want of Food.

At this time a Letter came from the Lord Lieutenant General of the Army to bury or break every upper Millstone, and drive and carry away all Cattle and Goods to a great distance, insomuch that most drove their Cattle and Sheep into *Yorkshire*, and removed most of their Families thither also.

ON the said August 29. Dr. Morton Bishop of *Durham* a learned and moderate Bishop had an account of the Defeat at *Newborne*, and that the King's Army was Retreating into *Yorkshire*, whereupon the said Bishop went to his Castle at *Stockton* in the Bishoprick of *Durham*, standing on the edge of *Yorkshire*, but he quickly removed thence into *Yorkshire*, but Dr. *Belcanqual* Dean of *Durham* fled in great haste, because he understood the *Scots* gave out that they would seize upon him as an Incendiary for writing the King's large Declaration against

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the

The great fear of the Inhabitants of *Newcastle*, after the defeat at *Newborne*.

As also of *Durham*.

An. 1640.



the *Scots*; all the rest of the Clergy of *Durham* fled away also, and the *Scots* shortly after employed men to receive their Rents, and the Rents of Papists for the use of the *Scottish* Army.

THE News of this Defeat met the Earl of *Strafford*, August 29. the next day at *Darlington*, fourteen Miles South of *Durham*, and about twenty six Miles from *Newcastle*, and as far from *Tork*, purposing to have been with the Army before any Engagement; but now endeavouring to make the best he could of an ill business, he sent a Messenger to the Army, requiring the Chief Officers to Rally those Forces that were scattered, and to keep close in a Body and March into *Torkshire*.

THE same day the King was come from *Tork* as far as *Northallerton* towards the Army, being ten miles short of *Darlington*, hoping to have been with them at a Fight with the *Scots*; but understanding his Army was Defeated and upon their Retreat, and had quit *Newcastle* to the *Scots*, his Majesty hastened back again that night to *Tork*. And the same day the Earl of *Strafford* sent out this following Order to destroy *Milstones*, &c.

*The Earl of Strafford Lord Lieutenant General of his Majesties Army, To all Sheriffs, Constables of the peace, high Constables and other his Majesties Officers.*

Aug. 30.  
The Earl of  
*Strafford's*  
Warrant after  
the defeat gi-  
ven, to the  
King's Army  
at *Newbown* to  
break *Mil-*  
*stones*, &c.

‘**W** Hereas his Majesties Army is now marching from *Newcastle* to *Darlington*, and the Villages thereunto adjacent, These are specially to require you, and the rest of the high Constables, to use your utmost diligence in causing to be brought hither by four a Clock this Afternoon at the farthest, all such quantities of Butter, Bread, Cheese, and Milk as you can possibly furnish for the Victualing of his Majesties said Army, which being brought hither by the several owners, I shall take special care to see them justly satisfied the price of their said Commodities, It being his Majesties Gracious intention, there shall be no Burthen nor Oppression to his Majesties good and loving Subjects. These are likewise farther to require you, that with the assistance of the Justice of peace adjoyning, you give order for the taking away of all the *upper Milstones* in all the Mills in that your Ward, and to bury or otherwise to break them, that the said Mills may not be of any use to the Army of the *Scotch* Rebels. You are likewise to require all his Majesties Subjects, to remove all their Cattle, and other goods, as soon as possibly they can, out of their Countrey into places more remote, and of greater safety for them, until the return of his Majesty, which will be very shortly by the help of God, that his good Subjects may be powerfully secured from the fears and dangers threatned by the said Rebels.

*Given under my Hand and Seal*  
at *Darlington*, Aug. 30. 1640.

*Strafford.*

After



After the Arrival of the Kings Army in the County of York,  
a Muster was taken thereof, which was as followeth:

16 Caroli.

**A List of the Strength of the Kings Majesties  
Army, both Officers and Soldiers, as they were  
Mustered.**

|                                |      |                             |      |
|--------------------------------|------|-----------------------------|------|
| <b>L</b> ord General           | 160  | Sr. Jacob Ashley            | 133  |
| Lieutenant Collonel Ashburnham | 162  | Lieutenant Collonel Selvin  | 91   |
| Serjeant Major Latham          | 93   | Serjeant Major Ashley       | 99   |
| Captain Fludd                  | 103  | Sr. William Udall           | 88   |
| Captain Washington             | 95   | Captain Baynton             | 101  |
| Captain Atkins                 | 101  | Captain Townsend            | 90   |
| Captain Dowse                  | 72   | Captain Ashley              | 78   |
| Captain Chudleigh              | 108  | Captain St. John            | 90   |
| Captain Sandford               | 74   | Captain Russell             | 94   |
| Captain Parramore              | 92   | Captain Bellasis            | 88   |
| Captain Edwards                | 110  |                             | 0952 |
| Captain Hearne                 | 98   |                             |      |
|                                | 1268 | Collonel Goring             | 96   |
|                                |      | Lieutenant Collonel Kirke   | 99   |
|                                |      | Sergeant Major Willis       | 97   |
| Lord Marquess Hamilton         | 211  | Captain Gray                | 87   |
| Lieutenant Collonel Feilding   | 164  | Captain Predeaux            | 66   |
| Serjeant Major Berry           | 150  | Captain Garrat              | 76   |
| Captain Dawson                 | 110  | Captain Menns               | 48   |
| Captain Monyngs                | 109  | Captain Danyell             | 89   |
| Captain Smith                  | 106  | Captain Shelley             | 59   |
| Captain Payne                  | 106  | Captain Elliot              | 66   |
| Captain Langley                | 107  |                             | 0783 |
| Captain Walthall               | 109  |                             |      |
| Captain Bozoone                | 110  | Lord Grandeson              | 172  |
| Captain Greve                  | 110  | Lieutenant Collonel Ballard | 72   |
| Captain St. John               | 103  | Sergeant Major Sibthorp     | 106  |
| Captain Watson                 | 108  | Captain Pretty              | 103  |
|                                | 1603 | Captain Ellis               | 82   |
|                                |      | Captain Lefisley            | 96   |
| Lord Newport                   | 163  | Captain Boys                | 91   |
| Lieutenant Collonel Moncke     | 125  | Captain Villars             | 98   |
| Serjeant Major Warren          | 112  | Captain Smith               | 77   |
| Captain Sheldon                | 95   | Captain Varvay              | 99   |
| Captain Kirten                 | 78   |                             | 0996 |
| Captain Croft                  | 83   |                             |      |
| Captain Coape                  | 78   |                             |      |
| Captain Stradling              | 74   | Lord Barramore              | 181  |
| Captain Barrowes               | 93   | Lieutenant Collonel Lawday  | 169  |
| Captain Vaupere                | 77   | Sergeant Major Usher        | 148  |
|                                | 0978 | Captain Trafford            | 97   |
|                                |      | Uuuuuuu 2                   | Cap- |

An. 1640.

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|                         |     |                         |      |
|-------------------------|-----|-------------------------|------|
| <i>Captain Bryan</i>    | 95  | <i>Captain Roberts</i>  | 76   |
| <i>Captain Gifford</i>  | 103 | <i>Captain Thurland</i> | 94   |
| <i>Captain Hemisley</i> | 105 | <i>Captain Cooke</i>    | 82   |
| <i>Captain Gray</i>     | 107 | <i>Captain Boyer</i>    | 88   |
| <i>Captain Gwyn</i>     | 104 | <i>Captain Nicholls</i> | 61   |
| <i>Captain Cary</i>     | 105 |                         | 0912 |

1214

|                                  |     |                                    |     |
|----------------------------------|-----|------------------------------------|-----|
| <i>Collonel Wentworth</i>        | 191 | <i>Sr. Charles Vavafor</i>         | 200 |
| <i>Lieutenant Collonel Wayte</i> | 135 | <i>Lieutenant Collonel Tyrwhit</i> | 155 |
| <i>Sergeant Major Brockit</i>    | 134 | <i>Sergeant Major Apleyard</i>     | 146 |
| <i>Captain Holman</i>            | 89  | <i>Captain Donnell</i>             | 108 |
| <i>Captain Floyd</i>             | 101 | <i>Captain Scudamore</i>           | 100 |
| <i>Sr. Christopher Abdy</i>      | 97  | <i>Captain Wynd</i>                | 99  |
| <i>Captain Fotherby</i>          | 92  | <i>Captain Thornton</i>            | 109 |
| <i>Captain Parry</i>             | 103 | <i>Captain Pate</i>                | 84  |
| <i>Captain Stanbury</i>          | 94  | <i>Captain Kinfmell</i>            | 93  |
| <i>Captain Roberts</i>           | 103 | <i>Captain Bridgman</i>            | 74  |

1139

1163

|                                   |     |                                  |     |
|-----------------------------------|-----|----------------------------------|-----|
| <i>Collonel Glemham</i>           | 212 | <i>Collonel William Vavafour</i> | 101 |
| <i>Lieutenant Collonel Pawlet</i> | 166 | <i>Lieutenant Collonel Mynn</i>  | 80  |
| <i>Sergeant Major Kirkby</i>      | 128 | <i>Sergeant Major Padgit</i>     | 74  |
| <i>Captain Perkins</i>            | 110 | <i>Captain Britt</i>             | 62  |
| <i>Captain Wythers</i>            | 101 | <i>Captain Holtby</i>            | 60  |
| <i>Captain Story</i>              | 94  | <i>Captain Nicholls</i>          | 56  |
| <i>Captain Coddington</i>         | 103 | <i>Captain Leighton</i>          | 56  |
| <i>Captain Walgrave</i>           | 108 | <i>Captain Ferrer</i>            | 59  |
| <i>Captain Mynn</i>               | 98  | <i>Captain Bowes</i>             | 60  |
| <i>Captain Dymmocke</i>           | 91  | <i>Captain Baskavell</i>         | 62  |

1211

0755

|                                  |     |                                     |     |
|----------------------------------|-----|-------------------------------------|-----|
| <i>Sr. John Merricke</i>         | 189 | <i>Collonel Lonsford</i>            | 163 |
| <i>Lieutenant Collonel Carue</i> | 153 | <i>Lieutenant Collonel Lonsford</i> | 71  |
| <i>Sergeant Major Davis</i>      | 140 | <i>Sergeant Major Gibbs</i>         | 72  |
| <i>Captain Broughton</i>         | 94  | <i>Captain Powell</i>               | 62  |
| <i>Captain Seymer</i>            | 92  | <i>Captain Lonsford</i>             | 87  |
| <i>Captain Button</i>            | 97  | <i>Captain Pomeroy</i>              | 84  |
| <i>Captain Hide</i>              | 103 | <i>Captain Martin</i>               | 75  |
| <i>Captain Herbert</i>           | 109 | <i>Captain Dillon</i>               | 61  |
| <i>Captain Skrimshawe</i>        | 97  | <i>Captain Capper</i>               | 68  |
| <i>Captain Maxie</i>             | 103 | <i>Captain Hippisley</i>            | 72  |

1177

0815

|                                   |     |                                  |     |
|-----------------------------------|-----|----------------------------------|-----|
| <i>Sr. Thomas Culpeper</i>        | 160 | <i>Sr. William Ogle</i>          | 175 |
| <i>Lieutenant Collonel Gibson</i> | 90  | <i>Lieutenant Collonel Bucke</i> | 146 |
| <i>Sergeant Major Ogle</i>        | 90  | <i>Sergeant Major Basset</i>     | 106 |
| <i>Captain Owen</i>               | 81  | <i>Captain Ferrer</i>            | 70  |
| <i>Captain St. Leger</i>          | 90  | <i>Captain Andrewes</i>          | 44  |

Captain



|                                 |      |                               |      |                   |
|---------------------------------|------|-------------------------------|------|-------------------|
| <i>Captain Ventriss</i>         | 57   | <i>Sergeant Major Conisby</i> | 140  | 16 <i>Caroli.</i> |
| <i>Captain Sandys</i>           | 53   | <i>Captain Lu-kin</i>         | 98   |                   |
| <i>Captain Griffith</i>         | 59   | <i>Captain Bradshaw</i>       | 97   |                   |
| <i>Captain Cary</i>             | 64   | <i>Captain Kayes</i>          | 95   |                   |
| <i>Captain Fleerewood</i>       | 39   | <i>Captain Leighton</i>       | 95   |                   |
|                                 | 0813 | <i>Captain Thomas</i>         | 96   |                   |
|                                 |      | <i>Captain Thilwell</i>       | 95   |                   |
|                                 |      | <i>Captain Apleton</i>        | 92   |                   |
| <i>Collonel Feilding</i>        | 205  |                               |      |                   |
| <i>Lieutenant Collonel Bole</i> | 160  |                               | 1173 |                   |

The Number of the last Muster was 17420

The Number of this Muster is 16957

Besides dead, and run away since the last Muster not put in }  
the Total of the Books sent up unto his Excellency, } 00426  
the Number of \_\_\_\_\_ }

Which being added to this Muster, maketh the Number of 17383

Which is less than the last Muster the Number of 00037

Witnessed under our Hands,

*Ralph Errington*, Deputy Commissary,  
*Henry Fenwicke*, Deputy Commissary.

The Names of all the Collonels, Lieutenant Collonels, Sergeant Majors, Captains, Lieutenants, Ensignes, Preachers, Chirurgeons, Quarter Masters, Provost Marshals under his Excellency the Earl of Northumberland, Captain General for this Expedition 1640. Taken according to the Muster Roll after the Armies Retreat from Newcastle into Yorkshire.

|                                                                         |                         |
|-------------------------------------------------------------------------|-------------------------|
| <b>H</b> is Excellency Algernon Earl of Northumberland Captain General. | <i>James Chudley</i>    |
| <i>William Ashburnham</i> Lieutenant Collonel.                          | <i>George Herne</i>     |
| <i>Thomas Latham</i> Sergeant Major.                                    | <i>John Edwards.</i>    |
| Captains.                                                               | Lieutenants.            |
| <i>Charles Lloyd</i>                                                    | <i>Guy Molesworth</i>   |
| <i>Henry Washington</i>                                                 | <i>Lewis Gifford</i>    |
| <i>Jonathan Atkins</i>                                                  | <i>John Tooley</i>      |
| <i>Richard Dowse</i>                                                    | <i>Henry Chayton</i>    |
| <i>Giles Porter</i>                                                     | <i>William Moore</i>    |
|                                                                         | <i>William Palmer.</i>  |
|                                                                         | <i>Barnaby Bradford</i> |
|                                                                         | <i>Edward Landon.</i>   |

Thomas

An. 1640.

Thomas Wyld  
 Nathanael Dillon  
 Tristram Fenzicke  
 Roger Larrimore.  
 Ensignes.

John Newton  
 William Wentworth  
 Thomas Parrimore  
 Stephen Dawson  
 Charles Foster  
 Henry Miller  
 Robert Brandling  
 Robert Marsh  
 Edward Jackson  
 John Hilderson  
 John Salkeld  
 David Farrington  
 Preacher Mr. William Cox  
 Chirurgeon Laurence Lowe  
 Quarter-master Thomas Sandford  
 Provost Marshal James Jesters.

The Right Honourable Edward  
 Lord Viscount Conway, Cap-  
 tain General of the Horse, con-  
 sisting of 35. Troops already  
 raised.

## II.

Earl of Newport, Collonel.  
 George Moncke, Lieutenant Coll.  
 Henry Warren, Sergeant Major.  
 Captains.

Robert Crofts  
 Thomas Shelton  
 John Stradling  
 Posthumus Kirton  
 William Cope  
 Henry Vanpeere  
 Casbea Burrowes.

## Lieutenants.

George Lower  
 Arthur Moncke  
 Thomas Vaughan  
 Edmund Goffe  
 George Cooke  
 John Hoskins  
 John Weekes  
 James Gardiner  
 Owen Owens  
 Daniel Don.

## Ensignes.

John Hamond  
 Richard Legg  
 John Fox  
 John Blunt  
 Thomas Paramore  
 Montague Sander son  
 John Lutterell  
 John Washington  
 Edward Armory  
 Robert Bonny.  
 Preacher, Higham Gibbs.  
 Chirurgeon, Anthony Coquins.  
 Quarter-master George Lawdy.  
 Provost, John Parker.

## III.

Sr. Jacob Ashley, Collonel.  
 Sr. Nicholas Selwin, Lieutenant  
 Collonel.  
 Bernard Ashley, Sergeant Major.  
 Captains.

Sr. William Vudall  
 Robert Townsend  
 James Baynton  
 William Bellowes  
 Robert Rushell  
 Edward Astley

St. Johns.  
Lieutenants.

William Lower  
 Michael Bedolph  
 Edward Fowles  
 George Slatford  
 Deverex Gibbons  
 John Hastewood  
 Isaac Cobb  
 Theodore Paleologus  
 Thomas Colbie  
 Henry Somerster.

## Ensignes.

Edward Courtney  
 Bray Knight  
 Francis Gay  
 Walter Neale  
 Peregrine Tasburgh  
 Hugh Pomeroy  
 Edward Nelson  
 Charles Thompson  
 Oxford  
 George Fuller  
 Preacher, John Kowland.  
 Chirurgeon,



Chirurgion, *John Austin*  
 Quarter-master, *Rawlins.*  
 Provost Marshal, *Paul Knight.*

IV.

*George Goring*, Collonel.  
*Thomas Kirke* Lieutenant Coll.  
*Richard Willis* Sergeant Major.  
 Captains.

*Henry Sully.*  
*William Preddocks*  
*Andrew Menns*  
*Charles Gerrard*  
*Edward Gray*  
*Richard Elliot*  
*Thomas Danil*

Lieutenants.

*Richard Doves*  
*William Langon*  
*William Swan*  
*Henry Cooke*  
*John Marly*  
*Thomas Throgmorton*  
*Robert Noyse*  
*Francis Grover*  
*Daniel More*  
*Phillip Honywood.*

Ensignes.

*Richard Lovellis*  
*Henry Crompton*  
*Warren*

*John Terwhit*  
*John Millard*  
*John Barbriage*  
*Francis Lisle*  
*Ralph Brandling*  
*Joseph Brand*  
*Arthur Chaune*  
 Preacher, *Richard Lloyd.*  
 Chirurgion,  
 Quarter-master, *Ben. Laveronyes.*  
 Provost Marshal, *Thomas Broxley.*

V.

*The Lord Viscount Grandison*,  
 Collonel.  
*Thomas Ballard*, Lieutenant Coll.  
*Henry Sibthroe*, Sergeant Major.

Captains.

*William Pretty*  
*Francis Smith*

*Edward Villars*  
*Thomas Ellis*  
*George Lisle*  
*Edward Urney*  
*John Boyes*

Lieutenants.

*Thomas Browne*  
*William Alford*  
*John Malorye*  
*William Smith*  
*Robert Wiltshire*  
*Robert Wynd*  
*John Eaton*  
*Daniel Broughton*  
*Francis Gaudy*  
*Phillip Ballard.*

Ensignes.

*John Bennet*  
*John Carter*  
*Hugh Justice*  
*Henry Crooker*  
*Henry Payton*  
*Ralph Sparkes*  
*Henry Marshin*  
*John Cooney*  
*John Walters*  
*Thomas Kent*, Preacher.  
*John Earnlese*, Chirurgion.  
 Quarter-master, *Phillip Cooke.*  
 Provost Marshal, *Marmaduke Collins.*

VI.

*David Earl of Barrimore*, Coll.  
*Garret Barry*, Lieutenant Coll.  
*James Usher*, Sergeant Major.  
 Captains.

*Thomas Trafford*  
*John Fitzgerald*  
*Miles Power*  
*Henry Obrian*  
*George White*  
*Charles Henise*  
*Garret Parsell.*

Lieutenants.

*Daniel Bolton*  
*David Barry*  
*Richard Greatrix*  
*Thomas Pheasant*  
*Lodowicke Price*  
*Samuel Wright*  
*William Weston*

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An. 1640.

John Russell  
Charles Stepkin  
Richard Barry

Ensignes.

William Barry  
Phillip Barry  
James Dallochin  
John Barry  
Nicholas Barry  
Neptune Howard  
James Bladwell  
William Norcott  
Robert Rosington  
William Tomkins.  
Preacher, John Locke.  
Chirurgion, Charles Oxenbridge.  
Quarter-master, Thomas Owens  
Provost Marshal, John Baldwin.

## VII.

Arthur Aston, Collonel.  
Richard Bole, Lieutenant Coll.  
Robert Corningsby, Sergeant Major.

Captains.

Isaac Lukine  
Richard Bradshaw  
Henry Keyes  
Henry Thomas  
Thomas Leighton  
William Courtney  
James Thomson.

Lieutenants.

Thomas Minn  
William Keeling  
Richard Spoor  
William Roston  
John Skipwith  
Charles Hales  
Celestine Bingham  
Vul Wright  
Nathanael Moyle  
Stafford Sherborne.

Ensignes.

Francis Aston  
Robert Bowles  
Phillip Lowes  
Robert Smith  
John Atkins  
James Brown  
Robert Nelson  
George Leigh

Richard Leigh  
John Myrre  
Preacher, Henry Jones.  
Chirurgion.  
Quarter-master, Lodowick Burwick.  
Provost Marshal, Tho. Goubourne.

## VIII.

Henry Wentworth, Collonel.  
Henry Waite, Lieutenant Coll.  
William Brockett, Serg. Major.

Captains.

Sr. Christopher Abdey  
William Roberts  
Owen Parry  
John Holman  
Broichel Lloyd  
Henry Fothersby.

Lieutenants.

Francis Kanyer  
Frederick Windsor  
Francis Boyer  
Hugh Williams  
Joseph Bamfield  
Robert Bingham  
Gilbert Whitall  
John Higham  
Thomas Stanbury  
Robert Rookes.

Ensignes.

Edward Roberts  
Isaac Throughton  
John Thomas  
Francis Smithwick  
Humphrey Standburgh  
William Lewis  
Phillip Norris  
Edmond Brockett  
James Estline  
Robert Herne.  
Preacher, Mr. Matthew Whitley.  
Chirurgion, Edward Hales.  
Quarter-master, William Bury.  
Provost Marshal, John Hodson.

## IX.

Sr. Thomas Glenham, Collonel.  
Sr. John Pawlett, Lieutenant Col.  
Sr. John Beaumont, Serg. Major.  
Captains.



Captains.

Robert Kirbie  
Robert Perkins  
George Whither  
Waldgrave  
Nicholas Codrington  
Robert Mynn  
Thomas Dymock.

Lieutenants.

John Waldgrave  
William Pawlett  
William Molineux  
William Greene  
Jacob Stringer  
Thomas Ward  
James Bassett  
Richard Norwood  
William Neve.

Ensignes.

Edward Pereont  
Thomas Pawlett  
John Beaumont  
Theodore Delasley  
Thomas Sanders  
Hugh Gerrard  
Francis Godfery  
Arthur Ward  
Henry Reyley.  
Preacher.  
Chirurgion, Palmer.  
Quarter-master, William Moore.  
Provost Marshal, William Swaine.

X.

Sr. John Mirick, Collonel.  
Thomas Carne, Lieutenant Coll.  
William Davis, Sergeant Major.

Captains.

Robert Broughton  
Edward Seymore  
Thomas Button  
William Herbert  
David Hide  
Charles Shrumshaw  
William May

Lieutenants.

Thomas Langham  
William Mathews  
John Butler  
Ambrose Tindall  
John Edwards  
William Mintridge  
Brasse

Waldvine

George Betts  
John Lloyd.

Ensignes.

Auberry

John Luther  
William Owen  
Thomas Smith  
Thomas Cardinall  
Gelly Merick  
Miles Button  
Thomas Milshaw  
Woods  
Thomas Thwaytes.  
Preacher, Dr. Edward Alcaron.  
Chirurgion.  
Quarter-master, Henry Bishop.  
Provost Marshal, Isaac Chalife.

XI.

Sr. Thomas Culpepper, Collonel.  
Richard Gibson, Lieutenant Coll.  
Robert Turvill, Sergeant Major.

Captains.

Walter Owen  
Lewis Lawkner  
Rowland Slegger  
Henry Boyer  
Francis Cooke  
Richard Thurland  
Samuel Payton.

Lieutenants.

Daniel Nicholls  
Compton Evers  
John Sherman  
Henry Ugall  
William Mohun  
Edward Louch  
Richard Parker  
Anthony Bushell  
Anthony Thorpe  
Richard Carter.

Ensignes.

Nicholas Lidcott  
Thomas Lyster  
John Chyne  
Robert Goodwine  
Peter Bremnett  
John Sreed  
Lionell Beecher

Bowdon

William Waldron  
John Scanderith

X x x x x x Preacher,

An. 1640.

Preacher, Mr. Edward Langford.  
 Chirurgeon.  
 Quarter-master, William Weeler.  
 Provost Marshal, Turner.

William Bedingfeild  
 Lancelot Houlby  
 Nicholls  
 Francis Layton  
 Henry Ferries.

## XII.

Sr. Charles Vavasor, Collonel.  
 Howard, Lieutenant Coll.  
 Appleyard, Sergeant Major.  
 Captains.

Bascarvill  
 Winde  
 Scudamore  
 Therneton  
 Pate  
 Kissman  
 Doneill.

## Lieutenants.

Thomas Bascarvell  
 William Evert  
 Phillip Hutton  
 Edward Dymmocke  
 Nathanael Smith  
 James Marwood  
 John Griffith  
 Edward Molworth  
 Jeremy Cheviers  
 George Masters.

## Ensignes.

William Blakistone  
 Averoy Maleroy  
 Henry Christwell  
 Richard Mason  
 Samuel Malloves  
 Thomas Chapline  
 William Carre  
 Edward Copley  
 John Holland  
 Giles Palmer.  
 Preacher, Mr. Thompson.  
 Chirurgeon, Bennett.  
 Quarter-master, Rolland Davis.  
 Provost Marshal, William Powell.

## XIII.

William Vavasor, Collonel.  
 Nicholas Mynne, Lieutenant Col.  
 Thomas Pagett, Sergeant Major.  
 Captains.

Charles Gillmore  
 Edward Brett

## Lieutenants.

Robert Griffith  
 Ralph King  
 Francis Congrave  
 Owen Collugno  
 Nicholas Hughes  
 Francis Mills  
 John Wren  
 Robert Nicholas  
 Arthur Grant  
 Arthur Lowe.

## Ensignes.

Edward Chester  
 Finch

Henry Baggett  
 Thomas Audcy  
 Charles Fox  
 George Drewell  
 Fenix Wilson  
 Benjamin Brett  
 John Jefford  
 Robert Hugganes.  
 Preacher, Mr. Christian Sherwood.  
 Chirurgeon, Trinity Langley.  
 Quarter-master, Humf. Farrew.  
 Provost Marshal.

## XIV.

Lunsford, Collonel.  
 Hen. Lunsford, Lieutenant Coll.  
 Powell, Sergeant Major.  
 Captains.

## Dilon

Harbert Lunsford  
 Francis Martin  
 Thomas Cupper  
 Hugh Pomeroy  
 Edward Powell  
 Edward Hippestey.

## Lieutenants.

John Iremonger  
 Thomas Owen  
 John Sanbedge  
 Thomas Carrow  
 Ralph Lilley  
 Allen Povey  
 Poynton Castillion

Phillip



Phillip Chalwell  
Edward Hulstone  
William Cheney.  
Ensignes.

Titus Layton  
Robert Skerrew  
Edward Fowles  
John Meredith  
Pilemon Sanders  
William Atkins  
William Bellow  
Greenville Cary  
John Cole  
Preacher.  
Chirurgion.  
Quarter-master, *Anth. Witherings.*  
Provost Marshal, *Elias Hickmar.*

XV.

Sr. William Ogle, Collonel.  
Brutus Bucke, Lieutenant Coll.  
Richard Lawdey, Sergeant Major.  
Captains.

Constance Ferrer  
Edward Drury  
Edward Andrews  
Henry Ventris  
Robert Sandes  
Richard Power  
Conyer Griffen

Lieutenants.

Fleetwood

Thomas Laward  
Peter Gleane  
Cornelius Ragan  
George Lambert  
Thomas Bennett  
Charles Kirke  
Edward Hackluyt  
Thomas King  
Francis Moore.

Ensignes.

Thomas Symoure  
Edward Ogle  
Banard  
Edward Maylard  
Hugh Leigh  
John Waite  
William Andrewes  
Gerrard Ogle  
Hugh Gue  
Robert Bacon.

Preacher, Mr. John Phillips.  
Chirurgion, Henry Barker.  
Quarter-master, George Lisle.  
Provost Marshal, Thomas Bragge.

XVI.

James Marquefs Hamilton, Coll.  
Edward Feilding, Lieutenant Col.  
John Berry, Sergeant Major.  
Captains.

William Monnings  
Paul Smith  
Francis Langley  
Jervas Paine  
Howard St. Johns  
Peter Walthall  
Anthony Greene  
Charles Dawson  
Thomas Bosome.

Lieutenants.

Moses Treadwell  
Emanuel Neale  
william Denn  
william Tuke  
William Gualter  
George Rouse  
Godard Pemberton  
Thomas Throughwood  
George Little  
Henry Bowerman  
Henry Peto  
John Wolverstone  
Robert Watham

Ensignes.

Bennett Prior  
Henry Peters  
Richard Cooke  
Thomas Pergent  
William Reeves  
walter Price  
Anthony Williams  
John Prenton  
Thomas Best  
Francis Willier  
Thomas Carde  
Rogers

William Lane.  
Preacher, Mr. Deight.  
Chirurgion, Richard Smith.  
Quarter-master, Io. Daniell.  
Provost Marshal, Henry Fisher.

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An. 1640.

## XVII.

Sr. Nicholas Biron, Collonel.  
Lieutenant Coll.  
Edward Aldrich, Sergeant Major.  
Captains.

John Watts  
Thomas Sherley  
John Middleton  
Abraham Shipman  
James Morgan  
Roger Mollineux  
Sheerly Shilling  
Herculus Huncks  
William Paterson.  
Lieutenants.

Francis Stradling  
Daniel Trever  
Thomas Rusb  
John Marshall  
Thomas Brumley  
John Carnocke  
Ralph Freeman  
John Chonnocke  
Edward Watts  
Ithiell Luch  
Thomas Garrett.  
Ensignes.

Lambert Colield  
Richard Bond  
Michael Bland  
John Exton  
John Shipman  
Daniel Redman  
Christopher Elsing  
John Elrington  
George Hartrigg  
Tho. May  
Nicholas Watson  
william winter.  
Preacher.  
Chirurgeon.  
Quarter-master, Henry Bluder.  
Provost Marshal, John Fletcher.

## XVIII.

Sr. James Hamilton, Collonel.  
John Slaughter, Lieutenant Coll.  
Francis Story, Sergeant Major.  
Captains.  
Thomas Dabcoate

Horatio Carew  
Richard Munington  
Thomas Gardiner  
Thomas Cornewallis  
Bullen Erreny  
Anthony Brockett  
Thomas Gifford  
Thomas Bushell.  
Lieutenants.

Thomas Rockwood  
William Balyes  
Roger May  
John Andrewes  
John Grove  
Duke Calton  
William Corney  
Thomas Townsend  
Humfry Corey  
John Goodrich  
Francis Poore  
Thomas Bancks.

Ensigns.  
John Blunt  
John Heaslewood  
Thomas Shelton  
William Stratford  
George Burwell  
Isaac Wally  
John Food  
Thomas Leigh  
Robert Bayles  
John Lycent  
Edward Purpitt  
John Jervas  
Preacher Mr. Henry Miller.  
Chirurgeon.  
Quarter-master, Will. Dethick.  
Provost Marshal, Will. Richardson.

## XIX.

Sr. Jo. Dougless, Collonel.  
Sr. Mathew Carry, Lieuten. Coll.  
Arthur Bassett, Sergeant Major.  
Captains.  
Sr. John Le Hunt  
Charles Ventress  
Edward Kingstone  
Thomas Middleton  
James Barscy  
James Powell  
Robert Burghill  
Nicholas Parker

George



George Windham.  
Lieutenants.

Robert Gandy  
Roger Hiddon  
Samuel Kevison  
Robert Davis  
Thomas Ferrors  
Robert Hamlon  
William Gamblin  
William Rofs  
James Carwardine  
Thomas Andrewes  
Thomas Draper  
Robert Davyes.

Ensignes.

Thomas Kingstone  
Silvanus Keyghtley  
William Codrington  
Mich. Doughty  
Humphrey Cornwall  
Richard Naupham  
George Carew  
Thomas Carleton  
Hugh Lovelace  
Thomas Rookes  
Edward Knightly  
Thomas Coote.

Preacher, Mr. *Humfry Sloconil*.  
Chirurgion, *Clodius Adney*.  
Quarter-master, *Robert Juns*.  
Provost Marshal, *Richard Read*.

X X.

*Jerom Brett*, Collonel.  
*Sr. Vivian Molineux*, Lieutenant  
Collonel.  
*William Gibbs*, Sergeant Major.  
Captains.

Thomas Brett  
Bartholomew Jukes  
Stephen Hawkins  
George Leake  
Thomas Pettus  
Henry Huddleston  
John Godfrey  
Digory Collins  
Humphry Nicholls.

Lieutenants.

John Fisher  
William Simpson  
John Glassington  
Francis Hooke

Robert Benbricke  
John Palmer  
John Clifton  
Daniel Robinson  
Nicholas Barnet  
Nicholas Browne  
Thomas Mollineaux  
Giles Baskervill.  
Ensignes.

Ambrose Jennings  
Poole Turvill  
Norrice Jepson  
Thomas Hunt  
Isaac Shawbury  
Francis Bret  
Thomas Birke  
Francis Cobb  
John Hunt  
Roger Bendish  
William Draper.  
Preacher, *John Weld*.  
Chirurgion.  
Quarter-master, *Will. Bellamy*.  
Provost Marshal, *John Vittell*.

X X I.

*Francis Hamond*, Collonel.  
*Robert Hamond*, Lieutenant Col.  
*Iohn Gifford*, Sergeant Major.  
Captains.

*Mathew Gray*  
*Edward Hamond*  
*Iohn Bayley*  
*Arthur Roberts*  
*James Ogle*  
*Robert Ascongh*  
*Jeremy Manwood*  
*Benjamin Eldred*  
*Henry Mathewes*.

Lieutenants.

*Roger Burges*  
*Thomas Conisby*  
*Nicholas Deane*  
*Iohn Worfop*  
*Daniel Goldsmith*  
*Francis Whitney*  
*Robert Scott*  
*George Warson*  
*Edward Tyerer*  
*william Fisher*  
*Christopher Crowe*  
*Mathew Plowman*

Ensignes.

An. 1640.



## Ensignes.

James Tooke  
 Richard Travers  
     walton  
 Edward Gray  
 Thomas Swinford  
 Henry Blundell  
 Ralph Murrian  
 Thomas Walkington  
 John Philpot  
 Henry Echlyn  
     Plomer  
 John Fitz James.  
 Preacher, Henry Pike.  
 Chirurgeon.  
 Quarter-master, *Ferdinando Gray.*  
 Provost Marshal, *Nicholas Knot.*

## XXII.

Richard Feilding, Collonel.  
 Francis Tirwhit, Lieuten. Coll.  
 Anthony Thelwall, Sergeant Maj.  
     Captains.

Francis Tirringham  
 John Talbot  
 Thomas Collins  
 Toby Bowes  
 Edward Tirwhit  
 William Rolson  
 Robert Appleton

John Fox

Robert Barker.

## Lieutenants.

Richard Oxenden  
 Denny Purvey  
 George Oakes  
 Salathiel Baxter  
 Thomas Hill  
 John Windfeild  
 John Errington  
 Edward Vincent  
 George Foord  
 John Cratcroft  
 John Sutton.

## Ensignes.

Francis Rogers  
 Henry Garfeild  
 Richard Francis  
 Edward Bray  
 Henry Hatcher  
 John Tirwhit  
 Foulke Woodroffe  
 Edward Disney  
 Charles Persfall  
 Robert Ruston

## Cosworth.

Preacher, *William Beare.*

Chirurgeon.

Quarter-master, *Walter Harcourt.*

Provost Marshal, *Christopher*  
*Woodman.*

## WHITE-HAL, August 31. 1640.

Aug. 31.  
 Writs to be  
 issued to re-  
 quire the  
 Lords Spi-  
 ritual and Tem-  
 poral to at-  
 tend his Ma-  
 jesty in the  
*North*, accord-  
 ing to feve-  
 ral Tenures.

‘ **W** Hereas his Majesties Attorney General did this day present  
 ‘ two Draughts of Writs, to be directed according to for-  
 ‘ mer presidents, unto all the Lords Spiritual and Temporal of this  
 ‘ Kingdom of *England*, whereby to require them to attend his Majesty  
 ‘ and to perform the services due for their severall Tenures in this  
 ‘ present Expedition against the *Scottish* Rebels in the North, or  
 ‘ otherwise to Compond with the Lord Treasurer, the Under-  
 ‘ Treasurer, and Barons of his Majesties *Exchequer* for the same:  
 ‘ Their Lordships having heard the same read, and duly considered  
 ‘ thereof, did think fit and order, that such Writs should be issued  
 ‘ with all convenient expedition, unto all the said Lords, as well Spi-  
 ‘ ritual as Temporal, and that the Lord Keeper of the Great Seal of  
 ‘ *England*, should be hereby prayed to give order for the dispatch of  
 ‘ the same according to the said Draughts, which were as fol-  
 ‘ loweth:



**C**AROLUS Dei gratia Anglie, Scotie, Francie & Hibernie Rex, Fidei Defensor, &c. Reverendissimo in Christo Patri Wilhelmo eadem gratia Cantuariensi Archiepiscopo, totius Anglie Primate & Metropolitano, salutem. Sciatis quod cum quidam Rebelles regni nostri Scotie regnum Anglie cum Posse non modico hostiliter ingressi fuerint, Nos hujusmodi Rebellioni (gratia nobis favente divina) resistere, eamque pro salvatione & defensione nostri ac regni Anglie predicti, & Ligeorum nostrorum ejusdem reprimere volentes, apud Villam nostram Novi Castri super Tinam vicesimo die Septembris proximo futurum aut citius cum exercitu nostro ac toto servitio nobis debito esse proponimus: Vobis Mandamus in fide & dilectione quibus nobis tenemini firmiter innitentes, quod habeatis totum servitium quod nobis debetis cum omni festinatione qua poteritis, & ad ultimum dicto vicesimo die Septembris apud predictam Villam Novi Castri super Tinam, aut alibi ubicunque nos cum exercitu nostro adtunc fuerimus, ad proficiscendam exinde nobiscum contra Rebelles supradictos, vel citra dictum vicesimum diem Septembris ad Scaccarium nostrum accedatis finem ibidem nobiscum facturi pro vestro servitio ante dicto. Damus autem Thesaurario, Subthesaurario & Baronibus nostris de dicto Scaccario in Mandatis ut à vobis inde finem capiant moderatum. Teste, &c. Consimilia brevvia dirigenda ceteris Episcopis Anglie.

16 Caroli.

The Kings Writ to the Arch-Bishop of Canterbury, to appear with arraye to oppose the Scots.

**C**AROLUS Dei gratia Anglie, Scotia, Francie & Hibernie Rex, fidei Defensor, &c. Clarissimo Consanguineo suo A. B. Comit. Salutem. Sciatis quod cum quidam Rebelles regni nostri Scotie regnum nostrum Anglie cum Posse non modico hostiliter ingressi fuerint, Nos hujusmodi Rebellioni (gratia nobis favente divina) resistere eamque pro salvatione & defensione nostri ac regni nostri Anglie predicti & Ligeorum nostrorum ejusdem reprimere volentes, apud villam nostram Novi Castri super Tinam vicesimo die Septembris proxime futurum, aut citius cum exercitu nostro ac toto servitio nobis debito esse proponimus: Vobis mandamus in fide & homagio quibus nobis tenemini firmiter innitentes, quod habeatis totum servitium quod nobis debetis cum omni festinatione qua poteritis, & ad ultimum dicto vicesimo die Septembris apud predictam villam Novi Castri super Tinam aut alibi ubicunque nos cum exercitu nostro adtunc fuerimus, ad proficiscend. exinde Nobiscum contra Rebelles supra dictos, vel citra dictum vicesimum diem Septembris ad Scaccarium nostrum accedatis finem ibidem Nobiscum facturi pro vestro servitio ante dicto. Damus autem Thesaurario, Subthesaurario, & Baronibus nostris de dicto Scaccario in Mandatis, ut à vobis inde finem capiant moderatum. Teste, &c.

The like Writ to other Noble Men.

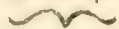
Consimilia brevvia dirigenda ceteris Comitibus & Baronibus Anglie.

**W**Hereas the Earl of Crawford hath received his Majesties Command, to repair unto his Majesty in the North, with one hundred persons all Officers of War, and of the Scottish Nation, who are by him to be conducted in one Body, and to be employed for his Majesties service, according as his Majesty shall there please to direct; These are therefore to Will and Command in the first place, all and every of the said Scottish Officers, that they

August 31. 1640.

Order of the Council for the Earl of Crawford, to list 100. Reformado Scottish Officers.

An. 1640.



'they be obedient unto the said Earl, in their Journey, and not to  
'stray or disperse themselves, nor yet to be absent from him, with-  
'out his special Licence or Command. And in the next place, to  
'Will and Command all Sheriffs, Mayors, Justices of the Peace,  
'Constables, and all other his Majesties Officers and Loving Sub-  
'jects, to suffer the said Earl, and *Scottish* Officers, quietly to pass,  
'and to be accommodated with Lodging and such Conveniencies, as  
'are usual in like occasions, and to treat and respect them as his  
'Majesties Loving and Faithful Subjects. Alwayes provided, that  
'they pay their expences, and carry themselves civilly in their  
'Journey according as in duty they are bound to do. And hereof  
'neither you nor they may fail. Dated at *White-hall* the last of  
'August 1640. Signed by

Lord Arch-Bishop of Canterbury.

Earl of Berks.

Lord Keeper.

Lord Cottington.

Lord Treasurer.

Lord Newburgh.

Earl Marshall.

Mr. Secretary Windebanke.

A Commission  
of Lieutenancy to the  
Lord Mayor  
of London.

**A** Commission of Lieutenancy for the City of London, directed to  
Sir Henry Garaway, Knight, Lord Mayor of the said City,  
and others. Teste apud Westmin. secundo die Septembris, Anno  
Regis Caroli sexto decimo.

J. F. C. S.

Willys.

A Commission  
of Array to  
Thomas Earl  
of Strafford.

**A** Commission of Array for the County of York, directed to Tho-  
mas Earl of Strafford and others. Teste apud Westm.  
xxxi. die Augusti Anno Regis Caroli sexto decimo.

Per dom. Custod. magni Sigilli Angl. virtute  
Warrant. Reg.

J. F. C. S.

Willys.

Septemb. 3.  
1640.

Bishops &  
Gentlemen  
summoned to  
come to Ge-  
neral Assembly at  
Geneville.

**O**N Thursday the third of September, there came a Warrant in  
nature of a Summons to Sr. William Bellasis, Knight, Sheriff  
of the County Palatine of Durham, and to Sr. William Lambton  
Knight, a Gentleman of Quality in that County, Signed by Mon-  
trofs, Roths, Lindsey and others; these two Knights and their Estates  
being in the Power of the Scots, and having Licence from the King,  
went



went to General *Lesley* : the thing proposed unto them, was how to get Provision for the *Scots* Army in that County, upon payment of Money in Part, and Security for the rest.

16 Caroli.

ON *Friday* morning the fourth of *September* came a Petition to the King from the Commissioners of the late Parliament in *Scotland*, inclosed in a Letter to the Lord *Lanrick*, at which time the Kings Army were all retreated into *Yorkshire*, and some of them quartered about *York*. The Petition followeth.

## To the Kings Most Excellent MAJESTY.

The humble Petition of your Commissioners of the late Parliament,  
and others of his Majesties most Loyal Subjects of the King-  
dom of SCOTLAND.

Humbly sheweth,

‘THAT whereas through many sufferings, in this time past, Ex-  
‘tream necessity hath constrained us, for our reliefs, and ob-  
‘taining our humble and just desires, to come unto *England*; where  
‘according to our Intentions formerly delivered, we have in all our  
‘Convoy, lived upon our own Means, Victuals and Goods brought  
‘along with us; and neither troubling the Peace of the Kingdom of  
‘*England*, nor hurting any of your Majesties Subjects of whatsoever  
‘quality in their Persons or Goods, having carried our selves in a  
‘most peaceable manner, till we were pressed by strength of Arms  
‘to put such forces out of the way, as did without our deservings,  
‘and (as some of them at their point of death have confessed) against  
‘their own Consciences opposed our peaceable passage at *Newburne*  
‘upon *Tine*; and have brought their own blood upon their own  
‘heads against our purposes and desires, expressed by Letters sent to  
‘them at *Newcastle*. For preventing of the like, or greater Incon-  
‘veniencies, and that without further opposition we may come to  
‘your Majesties presence, for obtaining from your Majesties Justice  
‘and Goodness, full satisfaction to our just demands, we your Ma-  
‘jesties most humble and Loyal Subjects, do persist in that most hum-  
‘ble and submissive way of petitioning, which we have kept from  
‘the beginning, and from the which, no provocation of your Ma-  
‘jesties Enemies and ours, no Adversity we have hitherto sustained,  
‘no prosperous success that can befall us, shall be able to divert  
‘our minds; most humbly entreating, that your Majesty would  
‘in the depth of your Royal Wisdom consider at least our pressing  
‘Grievances, and provide for the repair of our wrongs and losses,  
‘and with the Advice of the States of the Kingdom of *England* Con-  
‘vented by Parliament, settle a firm and durable Peace against all  
‘Invasions by Sea and Land.

Septemb. 4.  
The Petition  
of the Scotch  
Commissioners  
of the late Parlia-  
ment.

Yyyyyyy

‘That

1640.

‘That we may with Cheerfulness of heart pay unto your Majesty,  
 ‘as our Native King, all duty and obedience, that can be expected  
 ‘from Loyal Subjects; and that against the many and great Evils  
 ‘which at this time threaten both Kingdoms, whereat all your Ma-  
 ‘jesties good Loyal and Loving Subjects tremble to think, and which  
 ‘we unanimously beseech God Almighty to Avert; that your Maje-  
 ‘sties Throne may be established in the midst of us in Religion and  
 ‘Righteousness.

*And your Majesties Answer we humbly desire  
 and earnestly wait for.*

## At the Court at YORK, Sept. 5. 1640.

His Majesties  
 Answer there-  
 unto.

‘HIS Majesty hath seen and considered this within written Peti-  
 ‘tion, and is graciously pleased to return this Answer by me,  
 ‘That he finds it in such General Terms, that till you express the  
 ‘particulars of your desires, his Majesty can give no direct Answer  
 ‘thereunto: wherefore his Majesty requireth, that you would set  
 ‘down the particulars of your Demands with expedition; he having  
 ‘been alwayes ready to redress the Grievances of his people. And  
 ‘for the more mature deliberation of the weighty Affairs, his Majesty  
 ‘hath already given out Summons for the meeting of the Peers of  
 ‘this Kingdom in the City of York, the twenty fourth day of this  
 ‘Month, that with the Advice of the Peers, you may receive such  
 ‘Answer to your Petition, as shall most tend to his honour, and  
 ‘the peace and welfare of his Dominions. And in the mean time  
 ‘if Peace be that you so much desire, as you pretend; he expects,  
 ‘and by this his Majesty commands, that you advance no further with  
 ‘your Army into these parts, which is the only means that is left  
 ‘for the present to preserve Peace between the Two Nations, and  
 ‘to bring these unhappy differences into a Reformation; which  
 ‘none is more desirous of than his most Sacred Majesty.

*Lanericke.*

## At WHITE-HALL, Sept. 6. 1640.

Touching a  
 Commission  
 to the Lords  
 of the Coun-  
 cil, for order-  
 ing Affairs in  
 the Kings  
 absence.

‘IT was this day ordered that his Majesties Attorney General be  
 ‘herby required to prepare a Commission to be directed to the  
 ‘Lord Arch-bishop of Canterbury, Lord Keeper, Lord Treasurer,  
 ‘Lord Privy Seal, Earl Marshal, Lord High Admiral of England,  
 ‘Earl of Dorset, Earl of Salisbury, Earl of Bridgewater, Earl of Danby,  
 ‘Earl of Berkshire, Earl of Newcastle, Earl of Cork, Lord Viscount  
 ‘Wilmot, Lord Cottington, Lord Newburgh, Mr. Comptroller, Mr. Se-  
 ‘cretary Windbank, Sir Thomas Rowe, Lord Chief Justice Littleton;  
 ‘and to all and every other the Lords and others of the Privy Coun-  
 ‘cil,



‘cil, who shall not attend his Majesty in the Northern part, author-  
 ‘rising them or any six or more of them, (whereof the Lord Arch-  
 ‘bishop of *Canterbury*, the Lord Keeper, Lord Treasurer, Lord Privy  
 ‘Seal, the Earl Marshal of *England*, or Mr. Secretary *Windbank* to  
 ‘be one) by all good wayes and means in his Majesties absence to  
 ‘provide for the peace and safety of his Majesties Kingdom and peo-  
 ‘ple, in the same manner and form as it was drawn up (*mutatis mu-*  
 ‘*tandis*) at his Majesties going into the North, *Anno* 1639. And  
 ‘with like power to them to hear and order all Complaints and mat-  
 ‘ters touching the Levies of the Moneys and other occasions in the  
 ‘Shipping business as was granted by the former Commission.

16 Caroli.

‘**W** Hereas by an Order of the Board of the 26th of *August* last,  
 ‘the Officers of the Navy were required to hasten away  
 ‘twelve ships appointed to transport Victuals from *London* to lye  
 ‘without the Bar at *Tinmouth*, For as much as the Town of *New-*  
 ‘*castle* is now possessed by the *Scottish* Rebels, It was this day or-  
 ‘dered, That so many of the said ships as are yet not sent, shall now  
 ‘go for *Hull*, and ride thereabout in some safe and secure place, till  
 ‘such time as the Lord Lieutenant General of his Majesties Army  
 ‘shall be advertised of their arrival there and give order for the  
 ‘disposing of the said Victuals.

Sept. 6.

1640.

Ships design-  
 ed for *New-*  
*castle* with  
 Victuals, and  
 not sent, or-  
 dered to go  
 to *Hull*.

A Copy of the King's Writ, Dated Sept. 7. 1640. sent to  
 all the Peers to meet as a great Council at York the  
 24th of September, 1640.

**R**EX Reverendissimo in Christo Patri ac fideli consiliario nostro  
 Willielmo eadem gratia Cantuar. Archiepiscopo, totius Angliæ pri-  
 mati & Metropolitano salutem. Quia super quibusdam arduis & urgen-  
 tissimis negotiis nos & Regni nostri statum Coronæque nostræ Jura specia-  
 liter concernentibus vobiscum & cum aliis Prelatis, Magnatibus & Proce-  
 ribus ipsius Regni apud civitatem nostram Ebor. die Jovis, 24 die in-  
 stantis mensis Septembris Colloquium habere volumus & Tractatum, Vo-  
 bis in fide & dilectione quibus nobis tenemini firmiter injungimus &  
 mandamus, Quod cessante Excusatione quacunq; dictis die & loco per-  
 sonaliter inter sitis nobiscum & cum Prelatis Magnatibus & Proceribus præ-  
 dictis super dict. negotiis tractaturi vestrumque consilium impensuri, &  
 hoc sicut nos & honorem nostrum ac tranquillitatem regni nostri Juri-  
 umq; nostrorum prædict. diligitis, nullatenus omittatis. Teste &c. 7 Sept.

Yyyyyyy 2

Right

An. 1640.

Sept. 8.

1640.

The Scots  
Letter at  
Newcastle to  
the Earl of  
Lanrick.

Right Honourable,

**A**S nothing on earth is more desired of us than his Majesties favour, so nothing doth delight us more than that his Majesty beginneth again to hearken unto our humble desires, wherein we trust nothing shall be found, but what may serve to his Majesties honour, and for the peace of his Dominions. The particulars we would have expressed, but that they are contained in the Conclusion of the last Parliament, and the printed Declarations which were sent to your Lordship. But in case the papers be not by your Lordship, we now summarily repeat them.

1. That his Majesty would be graciously pleased to command that the last Acts of Parliament may be published in his Highness Name as our Sovereign Lord with the Estates of Parliament convened by his Majesties Authority.

2. That the Castles of Edinburgh and other strengths of the Kingdom of Scotland may according to the first foundation be furnished and used for our defence and security.

3. That our Countreymen in his Majesties Dominions of England and Ireland may be freed from censure for subscribing the Covenant, and be no more pressed with Oaths and Subscriptions unwarrantable by your Laws and contrary to their National Oath and Covenant approved by his Majesty.

4. That the common Intendiaries which have been the Authors of this Combustion may receive their just Censure.

5. That all our ships and goods with all the Damage thereof may be restored.

6. That the Wrongs, Losses and Charges which all this time we have sustained may be repaired.

7. That the Declarations made against us as Traitors may be recalled in the end by the Advice and Counsel of the State of England Convened in Parliament, his Majesty may be pleased to remove the Garrisons from the Borders, and any Impediments which may stop free Trade, and with their Advice to condescend to all particulars that may establish a stable and well-grounded Peace for the enjoying of our Religion and Liberties against all Force and Molestation, and undoing from year to year, or as our Adversaries shall take the advantage.

This Royal Testimony of his Majesties Goodness we would esteem to be doubled upon us, were it speedily bestowed, and therefore must crave leave to that his Majesties pleasure concerning the of the Peers the 24th of this instant will make the time long ere the Parliament be Convened, which is conceived the only means of settling both Nations in a firm Peace, and which we desire may be seriously represented unto his Majesties Royal thoughts; the more the time is abridged, the more able we to obey his Majesties prohibition of our advancing with our Army;



*Army ; our Actions, and whole Comportment since the beginning of these Commotions, and especially of late since our coming into England, are real declarations of our Love and desire of peace, nothing but invincible necessity hath brought us from our Countrey to this place, no other thing shall draw us beyond the Limits appointed by his Majesty, which we trust his Majesty will consider of, and wherein we hope your Lordship will labour to be a profitable Instrument for the Kings Honour, the good of the Countrey, and of*

16 Caroli.

Your Lordships humble Servants.

Scots Leaguer at Newcastle, Sept. 8. 1640.

Subscribed by

Roths.  
Montross.  
Cassilles.  
Dumferling.  
Lothean.  
Lindsey.  
Sir David Homes.  
Sir George Key.  
Sir Tho. Hope.

Sir Will. Douglas.  
Mr. Alexander Gibson.  
Dury.  
Jo. Smith.  
Geo. Potterfield.  
Hen. Kenedy.  
Jo. Rutherford.  
Welderbourne.

Right Honourable,

**W**Hat care and pains have been taken by us these years past to settle our grievances at home, and what heavy complaints have been made heretofore to all our dear Brethren in England, that the ground of our evils and sufferings is from the abused power of this Kingdom in the hands of wicked Councillors, what necessity hath been laid upon us of late to enter into England with our lives in our hands, to Petition his Majesty, the manifold Declarations and Informations that have been published for that end bear us witness, and that our appearing in Armes is not to wrong any, but to guard our selves against all unjust persons that may hinder us from obtaining our humble and just desires from our Gracious Sovereign; and therefore as it was the end of our Journey not to make us Enemies but kind Friends, so we profess and declare to your Lordship, and the Aldermen your Brethren, that our abode at Newcastle, a Town of great importance for our security until our Petition be heard and granted, is not to make any stop of Trade in that River, since the free traffick of Coles is so necessary for the City of London, and other places of England; but on the contrary, our purpose is to use the best means we can to continue that Trade: and for this effect at our coming to Newcastle, hearing that many Masters of ships possessed with needlesse fears were hastning out of the River empty, we sent two Noblemen of our number to make this Declaration unto them, whereby many of them rested satisfied, and stayed to Load; and hereby we do renew our former assurance, as the finallest testimony of greatest respect, and good will to the City of London, of whose affection to the peace of these two Kingdoms, wherein they have greatest share and interest, we are fully informed,

Sept. 9.  
The Scots Letter from Newcastle to the Lord Mayor and Aldermen of London.

An. 1640.

med, and to whom we desire not to be found wanting in any act of friendship and thankfulness that may flow from us to the utmost of our power.  
Signed,

Your Lordship's and the Aldermen your  
Brethren's respectful friends;

*Roths.*

*Alex. Lesley.*

*Almont.*

*Lothian.*

*Montross.*

*Lowden.*

*Lindsey.*

*Cassels.*

### A Letter Directed to the Lord High Treasurer of England.

Sept. 9.

1640.

Transportation of Victuals beyond Sea, or from Port to Port (but only to Hull) inhibited.

**H**IS Majesty out of his Royal care for the preservation of his Army, having been graciously pleased to command that the same be furnished with all manner of provision of Victual that the County of York, and the adjacent Counties can afford; and fearing that the proportion of Victuals in those parts should not be sufficient, hath commanded likewise to have supply sent from hence, and that the transportation of Corn, Butter, Cheese, and all other Victuals out of the Realm, or from Port to Port, within the Kingdom should be strictly inhibited; We have therefore thought good hereby to pray and require your Lordship forthwith to give effectual order that no Corn, Butter, Cheese, nor any other Victual be transported into the parts beyond the Seas, nor from Port to Port, but sent to Hull, where the Owners shall receive just and due payment in ready money for the same, and be secured that neither themselves nor their goods shall suffer the least prejudice or molestation, but by all means of good usage be encouraged to make continual repair thither. Hereof your Lordship may not fail, And so &c. Dated Septemb. 9. 1640.  
Signed by the

Lord Arch-Bishop of Canterbury, &c.

## To the King's Most Excellent MAJESTY,

The humble Petition of your Majesties most Loyal and Obedient Subjects, whose names are here under-written, in behalf of themselves and divers others.

Most Gracious Sovereign,

The Petition of the Earl of Essex, &c. to the King to call a Parliament.

**T**HE sense of that Duty and Service which we owe unto your Sacred Majesty, and our earnest Affection to the good and welfare of this your Realm of England, have moved us in all humility to beseech your Royal Majesty, to give us leave to offer unto your most Princely Wisdom, the Apprehension which we and other  
'your



'your faithful Subjects have conceived of the great distempers and  
'dangers now threatening the Church, and State of your Royal Per-  
'son, and the fittest means by which they may be prevented.

16 Caroli

'The Evils and Dangers whereof your Majesty may be pleased  
'to take notice are these;

'1. That your Sacred Majesty is exposed to hazard and danger  
'in the present Expedition against the *Scottish* Armie, and by the  
'occasion of the War, your Revenue is much wasted, your Subjects  
'burthened with Coat and Conduct Money, Billeting of Souldiers,  
'and other Military Charges, and divers Rapines and disorders com-  
'mitted in severall parts in this your Realm, by the Souldiers raised  
'for that Service, and your whole Kingdom become full of fear and  
'discontent.

'2. The sundry Innovations in matters of Religion, the Oath  
'and Canons lately Imposed upon the Clergy, and other your Ma-  
'jesties Subjects.

'3. The great Encrease of Popery, and Implying of Popish Re-  
'cusants, and others ill-affected to the Religion by Law established  
'in places of power and trust, and especially commanding of Men  
'and Armes both in the Field and other Counties in this Realm,  
'whereas by the Laws they are not permitted to have Armes in their  
'own houses.

'4. The great mischief which may fall upon this Kingdom, if the  
'Intentions which have been credibly reported, of bringing in of  
'*Irish* forces, shall take effect.

'5. The urging of Ship-money, and prosecution of some She-  
'riffs in the *Star-chamber* for not Levying of it.

'6. The heavy charges of Merchandise to the discouragement of  
'Trade, the multitude of Monopolies, and other Patentees, whereby  
'the Commodities and Manufactures of the Kingdom are much bur-  
'thened, to the great and universal Grievance of your people.

'7. The great grief of your Subjects by the Intermission of Par-  
'liaments, in the late former dissolving of such as have been Called,  
'with the hoped Effects which otherwise they might have pro-  
'cured.

'For a remedy whereof and prevention of the danger that may  
'ensue to your Royal person, and to the whole State, we do in all  
'humility and faithfulness beseech your most Excellent Majesty  
'that you would be pleased to summon a Parliament within some  
'short and convenient time, whereby the cause of these, and other  
'great Grievances, which your poor Petitioners now lye under, may  
'be taken away, and the Authours and Councillours of them, may  
'be there brought to such Legal Tryal, and condign punishment, as  
'the nature of the offence does require, and that the present War  
'may

An. 1640.

' may be composed by your Majesties wisdom without Bloodshed, in  
' such manner as may conduce to the honour and safety of your Maje-  
' sties person, and content of your people, and continuance of both of  
' your Kingdoms against the common Enemy of the Reformed Reli-  
' gion.

Francis Bedford.

Ro. Essex.

William Hartford.

Warwick.

Earl of Bristol.

Mulgrave.

Say and Seal.

Ed. Howard.

Bullingbrook.

Mandevile.

Brook.

Pagett.

The Privy Council being informed that the City of London was about to Petition his Majesty to call a Parliament, wrote a Letter to the Lord Mayor and Aldermen of the City of London, as followeth.

Sept. 11.

1640.

To stop the  
Londoners Pe-  
tition to his  
Majesty.

**W** Hereas we have seen the Copy of a Petition pretended to be presented to his Majesty in the name of the Citizens of London, to which many hands as we understand are endeavoured to be gotten in the severall Wards concerning divers grievances; Out of the care which we have for your good, and the duty which we owe to his Majesty, being the representative Body of his Authority, and to whom he hath particularly recommended the care and quiet of these parts in his absence: we have thought fit to signifie unto your Lordship, and the rest, the sense and apprehension we have of the said Petition, and of the time, and of the manner of contriving the same. And we cannot but hold it very dangerous and strange to have a Petition framed in the name of the Citizens, and endeavoured to be signed in a way not Warranted by the Charters and Customes of the City, setting forth of Grievances which they cannot but know, that his Majesty of his abundant grace and goodness to his people will presently take into his Consideration, and give thereunto all just redress; Concluding the Petition with a demand which they be most certain will come from his Majesties own grace and goodness, from which only it can proceed with comfort and success. And all this in a time, when his Majesty is in his own person engaged in an Army for the defence of this City, and the whole Kingdom, against the Rebels who have invaded this Kingdom with so great an Army, and have so far advanced to the danger of the Kingdom, and dishonour of the Nation, especially his Majesty having so particularly at his parting hence recommended the care and safety of the Queen his dearest Consorts person and the Prince, and his Royal Children to your Lordship and the Aldermen, and the ancient and approved Loyalty and fidelity of this City of London honoured from all Antiquity with the Title of his Majesties own Chamber. we have therefore thought fit hereby to pray and require your Lordship and the rest to take a course by all good and lawful wayes to stop the proceedings of this intended Petition, wherein we doubt not but you shall have the concurrence of the most able and best affected Citizens, for the avoiding of the great disturbance, which it may bring to the



*the Kings affairs (thus engaged as he is) and the just censure which may  
lye upon this City, in future times ; And so &c. Dated Sept. 16. 1640.  
Signed by the*

16 Caroli.

*Lord Arch-Bishop of Canterbury, &c.*

**N**otwithstanding this Order of the Lords of the Council, the Ci-  
ty of *London* (having been grievously Burthened with Projects  
and Monopolies) did proceed to perfect their said Petition, and sent  
some of the Court of Aldermen and Common Council to present it  
to the King at *York*, which Petition followeth.

## To the King's Most Excellent MAJESTY.

*The humble Petition of your Majesties Subjects the Citizens of  
L O N D O N.*

*Most Gracious Sovereign,*

**B**Eing moved with the duty and obedience which by the Laws  
your Petitioners owe unto your Sacred Majesty, they humbly  
present unto your Princely and pious wisdom, the several pressing  
grievances following ; viz.

A Petition of  
the *Londoners*  
to the King  
to call a Par-  
liament.

1. The pressing and unufual Impositions upon Merchandize, Im-  
porting, and Exporting, and the urging and Levying of Ship-money  
notwithstanding both which, Merchants Ships and Goods have been  
taken and destroyed both by Turkish and other Pirates.

2. The multitude of Monopolies, Patents, and Warrants where-  
by Trade in the City and other parts of the Kingdom is much de-  
cayed.

3. The fundry Innovations in matter of Religion.

4. The Oath and Canons lately enjoyed by the late Convoca-  
tion whereby your Petitioners are in danger to be deprived of their  
Ministers.

5. The great concourse of Papists, and their Inhabitations in  
*London*, and the Suburbs, whereby they have more means and op-  
portunity of Plotting and Executing their designs against the Re-  
ligion established.

6. The seldom Calling, and suddain dissolutions of Parliaments,  
without the redress of your Subjects Grievances.

7. The Imprisonment of divers Citizens for non-payment of Ship-  
money,

Z z z z z z z

An. 1640.

‘money, and Impositions, and the prosecution of many others in  
 ‘the *Star-Chamber*, for not conforming themselves to Committees in  
 ‘Patents of Monopolies, whereby Trade is restrained.

‘8. The great danger your Sacred person is exposed unto in the  
 ‘present War, and the various fears that seized upon your Petition-  
 ‘ners, and their Families by reason thereof, which grievances and  
 ‘fears have occasioned so great a stop and distraction in Trade, that  
 ‘your Petitioners can neither Buy, Sell, receive, or pay as formerly,  
 ‘and tends to the utter Ruine of the Inhabitants of the City, the de-  
 ‘cay of Navigation, and Cloathing, and the Manufactures of this  
 ‘Kingdom.

‘Your humble Petitioners conceiving that the said Grievances are  
 ‘contrary to the Laws of this Kingdom, and finding by Expe-  
 ‘rience that they are not redrest by the ordinary Course of Ju-  
 ‘stice, do therefore most humbly beseech your most Sacred Ma-  
 ‘jesty to cause a Parliament to be Summoned with all conve-  
 ‘nient speed, whereby they may be relieved in the premises.

‘And your Petitioners and Loyal Subjects shall ever  
 ‘pray, &c.

ΕΙΚΩΝ  
ΒΑΣΙΛΙΚΗ.

\* Meaning the  
 Parliament  
 which met at  
*Westminster*,  
 Nov. 3. 1640.

*Upon his Majesties Calling this last Parliament.*

‘**T**His last \* Parliament I called, not more by others advice, and  
 ‘necessity of my Affairs, than by my own Choice and Inclinati-  
 ‘on, who have alwayes thought the Right way of Parliaments  
 ‘most safe for my Crown, as best pleasing to my People. And al-  
 ‘though I was not forgetful of those sparks which some mens Di-  
 ‘stempers formerly studied to kindle in Parliaments (which by  
 ‘forbearing to Convene for some years, I hoped to have extinguished)  
 ‘Yet Resolving with my self to give all just satisfaction to modest  
 ‘and sober desires, and to redress all publick grievances in Church  
 ‘and State, I hoped by my freedom and their moderation to prevent  
 ‘all misunderstandings, and miscarriages in this. In which as I  
 ‘feared affairs would meet with some Passion and Prejudice in other  
 ‘men, so I resolved they should find least of them in my self, not  
 ‘doubting but by the weight of reason I should counterpoize the  
 ‘over-ballancing of any Factions, &c.

Sept. 10.  
 The Kings  
 Proposal to  
 the Gentry of  
*Yorkshire*.

**T**HE King called the *Yorkshire* Gentry together, and pro-  
 pounded unto them the Payment of the Trained Bands for two  
 months, which Proposition they took into present Consideration, be-  
 ing also much satisfied that his Majesty had Summoned a Great  
 Council of his Peers to meet at *York*.

And on the 11th of *September* returned Answer, the substance  
 whereof was to this effect.

That



16 Caroli.

The Answer  
of the Gentry  
of Yorkshire.

THat the Petitioners have consulted together concerning the Payment of the Trained Bands for two months, and have agreed upon doing the same, to which purpose they will use their utmost endeavours, humbly beseeching his Majesty to consider out of his Royal Wisdom how to compose the differences with the Scots, that the Countrey may enjoy peace again, and not run more and more into Danger, and do most humbly beseech his Majesty to think of Summoning a Parliament, the only way to confirm a peace betwixt both Kingdoms.

Which answer they desired the Earl of *Strafford* to present to his Majesty which he inclined to do, leaving out those words in the Petition of Advice to the King to call a Parliament, for that he knew it was the King's full purpose to do; but the *Yorkshire* Gentlemens Hearts, and the Voice of the Kingdom being fervent for a Parliament, were unwilling to leave out those words of Summoning a Parliament, therefore they delivered their answer themselves, and which was well taken by his Majesty.

A Letter to the Earl of *Bedford* and to the Lord *Russel*, &c. his Majesties Deputy Lieutenants for the County of *Devon*.

WE have been made acquainted by our very good Lord the Earl Marshal of England, Captain General of all his Majesties Forces on this side *Trent*, with the Letters of your Deputy Lieutenants for that County of *Devon*, of the Second and fourth of this present; by you put into his Lordships hands, and thereby understand two difficulties they conceive they shall find in the execution of his Majesties late Command for the preparing and putting in readinesse the Trained Bands and other Forces of the said County to March and to serve in the Common Defence as occasion shall require, and further shall be Commanded in this time of Common Danger.

The First whereof is the distraction which is amongst the Gentry, and others unto which Service personally to apply themselves, whether that Commanded as aforesaid with the Trained Bands, or else that other concerning *Escuage* and Tenures in Knights Service, both commanded by Proclamation.

The Second difficulty they apprehend being the way how to furnish or procure moneys for the Charge of the said Bands and Forces when they shall be required to March. Whereunto some direction being desired from this Board; unto the first we answer, That it is his Majesties Pleasure and Intention that the Service Commanded the Trained Bands and other Forces for the common Defence by his Majesties Letters and Proclamations is carefully to be performed and executed by every man in his own person; But for that attendance on his Majesty required by the other Proclamation according to the Tenures in Knights Service, &c. It may and will suffice that the same be done by Deputy, or else that Persons so holding Lands of his Majesty may give satisfaction by way of Composition as by the same Proclamation is more particularly expressed. And for the

Zzzzzzzz 2

other

Sept. 11.

1640.

An Answer to  
Letters from  
their Deputy  
Lieutenants  
concerning  
some difficul-  
ties about  
marching, &c.

An. 1640.

other difficulty how to provide for the Charge of these Forces, when they shall march; we do understand that not only the Laws and Customes of this Kingdom do require that in a time of actual invasion every man ought to serve in the common Defence at his own Charge, but that the very Law of Nature doth teach and oblige us all thereunto, without sticking or staying upon any such terms or Questions, and that thus it hath been the Custome and Practice within this Kingdom both in ancient and modern times is very manifest, even but when a doubt or fear was had of an Invasion; but whereas this present danger is past all manner of doubt by reason of the actual Invasion of the Scottish Rebels, with so great an Army, and the same so far advanced that the whole Kingdom may soon be overrun unless by a greater power they be repelled and beaten back. And whereas his Majesties Subjects of the North parts of this Kingdom do cheerfully joyn together and serve his Majesty in this great occasion at their own Charge both with Bodies and Fortunes, without trouble to his Majesty or Deputies; we are therefore hereby to pray and require your Lordships, to signifie to your Deputy Lieutenants, what the sence of this Board herein is, that the same may by you and them be infused into others, and that we will not doubt but that his Majesties Subjects of that County will in this occasion shew as much forwardness and zeal for the common safety, wherein we are all so nearly concerned, as is either now in the North parts, or hath been practised in any other time of Danger heretofore within this Kingdom, which we do hereby effectually recommend unto your Lordships care. And bid &c.

### A Letter to the Lords Lieutenants of Surrey.

Sept. 11.

1640.

For restoring  
of Coat and  
Conduct money.

**W**Hreas of late by his Majesties special command signified from this Board to your Lordships divers Summs of money have been Levied upon that County of Surrey for Coat and Conduct Money, for the Conveying the number of 800 Souldiers then appointed to be raised within that County, to the General Rendezvous thereof, since which time the said 800 Souldiers have by order from us been discharged. These are therefore to pray and require your Lordships to give present and effectual order to the Deputy Lieutenants for restoring the said Coat and Conduct Money, to those of whom the same was Levied, as is done in the other Counties of this Kingdom. And so &c. Dated Septemb. 11.  
Signed by

Lord Arch-Bishop of Canterbury, &c.

Sept. 11.

1640.

Sheriffs of  
London to dis-  
pose of Mrs.  
Huffer in  
some safe  
place, who  
made disco-  
very of an in-  
tended rising  
of the Popish  
in 1640.

**T**Heir Lordships being this day credibly informed that Mrs. Anne Huffer an Irish woman is much threatned by certain Irish people to be mischieved, and that there have been some Irish to enquire after her as is strongly suspected to offer some violence to her, for that she hath given an Information and testimony of certain Lewd and Traiterous Speeches uttered by one William O Conner an Irish Priest. It was this day ordered by their Lordships, that the Sheriffs of London shall be hereby prayed and required forthwith to receive into their or one of their Charge the person of the said Mrs. Huffer, and dispose of her in some such safe place, as she may be free from any violence or danger.

At



16 Caroli.



At WHITE-HALL, Sept. 11. 1640.

‘UPON an Information of Mrs. *Anne Hussey* against one *William O Conner* an *Irish* Priest, It was this day ordered by their Lordships that *John Herne* Esq; one of the Justices of Peace of the County of *Middlesex* shall be hereby prayed and required to examine the said Mrs. *Anne Hussey* and *William O Conner*, and all such others as upon their Examination he shall discover to know any thing concerning the matters whereof the said *O Conner* is now accused. And hereof the Keeper of the Gatehouse (where the said *O Conner* is now Prisoner) and all others whom it may concern, are to take notice and to conform themselves accordingly.

Touching  
*William O Conner*  
an *Irish*  
Priest.

‘A Warrant to *William Wats* Messenger, to bring before their Lordships, the Lady *Elizabeth Lawrence*, *Samuel Sewster*, of *Great Ratcliff*, Sr. *Lewis Watson*, Baronet, *Ch. Parker*, Esq; *Heneage Proby* of *Aylton*, *John Glover* of *Water Newton* Esquires, and Mr. *Riplingham* returned as Delinquents, in not shewing their Light-Horses at the last Musters in the County of *Huntington*, with a Clause to discharge such of the defaulters as shall immediately repair before the Lord Lieutenant of the County aforesaid, or one of his Deputy Lieutenants, and promise Conformity for the future in shewing their Horse at the Musters, and at such times as they shall be thereto required by the Deputy Lieutenants of the said County. Dated *Septemb. 11. 1640.* Signed by

Sept. 11.  
1640.  
Defaulters at  
Musters.

*Lord Arch-Bishop of Canterbury, &c*

*A Warrant directed to the Lord High Treasurer of England, and the Lord Cottington, under-Treasurer of the Exchequer.*

‘WHEREAS Serjeant Major *James Nolan* is to Conduct divers Officers and Souldiers of the *Irish* Nation to his Majesties Army near *Tork*, for the performance whereof it is thought fit that the sum of threescore pounds for their Conduct thither be advanced to them, being after 15 dayes pay for himself and Company, according to a List of their names, signed under his hand, and according to the Establishment of Pay for his Majesties Army, as also the sum of twenty pounds more by way of advance to Captain *To. Berneingham*, Captain *Bartholomew St. Lawrence*, Captain *Tho. Revel*, and Captain *Maurice Macdonell* for their speedy Conduct to *Tork* aforesaid.

Sept. 13.  
1640.  
To issue 80 l.  
for Conduct  
of *Irish* Officers  
to the  
Army.

‘These are therefore to pray and require your Lordships to cause 60 l. to be paid to the said Serjeant Major *Nolan*, and 20 l. to the said other Captains, by vertue of his Majesties Privy Seal, dated *May 22.* for issuing of 300 l. For which this shall be your Lordships sufficient Warrant, Dated *Sept. 13.* Signed by

*Lord Arch-Bishop of Canterbury, &c.*

By

An. 1640.

Sept. 11.

That Enquiry  
be made after  
the Rents of  
Bishops and  
Papists in the  
County of  
Durham.

George Gory  
and Anthony  
Smith Col-  
lectors.

‘BY vertue of a Commission from General *Lesley* his Excellency,  
‘and the rest of the Right Honourable Lords, and other of the  
‘Committee for ordering Business for the *Scottish* Army, directed  
‘to me *Tobias Knowles* and *William Hamilton* Gentlemen, to enquire  
‘and find out the Rents, Tythes and Profits belonging to the Bishops,  
‘Papists, or any other Associates, Enemies to this Army, and to  
‘take an Inventory of their Rents, Goods and Profits whatsoever, and  
‘to chuse able men to assist us in this business: We understanding  
‘that Mr. G. G. and Mr. S. A. have been employed in business for the  
‘Tenants of the Dean and Chapter of *Durham*, and understand that  
‘the said Tenants have Rents in their hands due at *St. Cuthbert’s* day  
‘last, and Rents that will be due at *Martinmas* next, with Tythes and  
‘many other profits, &c. These are therefore by vertue of the said  
‘Commission, to require and charge you Mr. G. G. and Mr. S. A.  
‘to enquire and search out all the Rents, Tythes and Profits  
‘belonging to the Bishop of *Durham*, the Dean and Chapter, or any  
‘their Associates or Papists, Enemies to this Cause and Expedition,  
‘and to give in their Names, with a Schedule or Inventory of their  
‘Goods, Rents and Profits whatsoever: and to warn all the Tenants  
‘of the aforesaid Parties, especially the Tenants of the Dean and  
‘Chapter of *Durham*, for the Rents, Tythes and Profits which are  
‘due at *St. Cuthbert’s* day last, or any other former Debts or Summs  
‘of money due or become due at *Martinmas* next by the Tenants of  
‘*Wester, Harton, Fulwell, Munckwarmouth, Sidwick, Mountain Hed-*  
‘*worth*, the two *Hedworths*, and *Southsbeilds*, not to pay any Rents to  
‘the aforesaid Dean and Chapter, nor to any of their Receivers or  
‘Officers, but towards the relief and maintenance of the Army, as  
‘they will answer the contrary: And those that shall refuse to pay  
‘the said Rents, Tythes and Profits as aforesaid, and to set their  
‘hands thereunto; We require and charge you to return their  
‘Names in writing, with the places of their abode, that such fur-  
‘ther course may be taken with them, as shall be thought fit by the  
‘General. And of this fail not, as you will answer the contrary at  
‘your peril. Dated at *Newcastle* the 14th of *September* 1640.

Mr. *William Hamilton*.  
*Tobias Knowles*.

A Minute of Letters of the Tenour following, directed to the Lords  
Lieutenants of the several Counties, expressed in the List  
hereafter mentioned.

September

16. 1640.

For provid-  
ing divers  
sorts of Munition  
and Pro-  
vision for  
Soldiers rais-  
ed by the  
Commission  
of Array,  
South of Trent.

‘WHEREAS as well by his Majesties late Proclamation of the  
‘last of *August* last, as also by a Letter sent unto you from  
‘our very good Lord, the Earl Marshal of *England*, Captain General  
‘of all his Majesties Forces on this side *Trent*, you may take notice of  
‘his Majesties Pleasure and Command for the Trained Bands, and  
‘other Forces of that County, to be put in readiness to march upon  
‘twenty four hours warning, or Command to be given for that pur-  
‘pose from his Majesties said Captain General. And whereas the  
‘danger



'danger is great and eminent to his Majesty and the whole State by  
'the Invasion of the *Scottish Rebels* with a powerful Army, which  
'hath already so far advanced and prevailed, that unless by a stron-  
'ger power, and the unanimous resistance of all his Majesties sub-  
'jects the same be repelled and forced back, this whole Kingdom  
'may soon be over-run. For which respects, we find it very need-  
'ful, that both a good and speedy Accompt be by you returned either  
'unto this Board, or unto his Majesties said Captain General of your  
'proceedings therein; as also that no directions necessary to be given  
'by us be wanting unto you for what concerns the common defence;  
'We have therefore thought good, hereby to require you, to have in  
'readiness a sufficient number of able *Pioneers*, good *Carts* furnished  
'with men and horses; and likewise a sufficient number of *Spades*,  
'*Shovells* and *Pick-Axes*, and all other Tools necessary for the making  
'of Works of defence in these perilous times. And further, that you  
'take an effectual care, that the *Magazine* of the County be well  
'stored with Powder, Shot and Match, to the end that every Mus-  
'quetteer may have a sufficient provision thereof: And that the  
'*Beacons* in that County be presently made ready and duely watch-  
'ed. And if that County be not already sufficiently furnished with  
'the aforesaid Munitions and Provisions, that then you make all pos-  
'sible speed to procure and provide the same. Of all which, and  
'how far you have proceeded since his Majesties said Proclamation,  
'you are to return a particular Accompt with all expedition, either  
'unto this Board, or unto his Majesties said Captain General, that it  
'may be thereby known, what are the Forces of that County, and  
'how much of each kind of those Munitions and Provisions you have  
'in readiness against such time as the same shall be called upon.  
'And so, &c. Dated September 16. and Signed

*Arch-Bishop of Canterbury, &c.*

Counties of

|                    |                    |
|--------------------|--------------------|
| <i>Berks</i>       | <i>Huntington</i>  |
| <i>Bedford</i>     | <i>Kent</i>        |
| <i>Buckingham</i>  | <i>Middlesex</i>   |
| <i>Cambridge</i>   | <i>Northampton</i> |
| <i>Cornwall</i>    | <i>Northfolke</i>  |
| <i>Devon</i>       | <i>Oxon</i>        |
| <i>Dorset</i>      | <i>Sommerſet</i>   |
| <i>Essex</i>       | <i>Suffolke</i>    |
| <i>Gloucester</i>  | <i>Surrey</i>      |
| <i>Southampton</i> | <i>Warwicke</i>    |
| <i>Hertford</i>    | <i>Wilts.</i>      |

'**A**fter our hearty commendation to your good Lordship,  
'Whereas we understand, there have been delays and diffi-  
'culties in some places, in the execution of his Majesties late Com-  
'mand, for putting in readiness the Trained Bands and other Forces  
'of that County, to march and to serve in the Common defence in  
'this time of publick danger; which delays have been occasioned  
'through some misapprehension concerning the defraying of the  
'charge of the Trained men to the place of service when they  
'march. We have therefore thought good for the preventing of  
'further

Sept. 16.  
A Letter to  
the Lord  
Lieutenant  
of Dorset, &c.

An. 1640.

‘further delay in matters of this importance, hereby to advertise  
 ‘your Lordship, that not only the Customs and Laws of this King-  
 ‘dom do require, that in a time of actual invasion, every man  
 ‘ought to serve in the common defence at his own charge; but  
 ‘that the very Law of Nature doth teach and oblige us all thereunto,  
 ‘without sticking or staying upon any terms or questions. And that  
 ‘it hath been the custome and practice within this Kingdom, both  
 ‘in antient and modern times, (even but when a doubt or fear was  
 ‘had of an invasion) is very manifest. But this present danger is  
 ‘past all manner of doubt, by reason of actual invasion of the *Scot-*  
 ‘*ish* Rebels with so great an Army, and the same so far advanced,  
 ‘that the whole Kingdom may be soon over-run, unless by a great  
 ‘power they be repelled and beaten back. And whereas his Maje-  
 ‘sties Subjects of the North parts of this Kingdom do cheerfully  
 ‘hold together, and serve his Majesty in this great occasion at their  
 ‘own charge, both with their bodies and fortunes, without trouble  
 ‘to his Majesty, we have therefore thought good, hereby to pray  
 ‘and require your Lordship, to acquaint the Countrey with the  
 ‘sense of this Board in this particular, and that we doubt not, but  
 ‘his Majesties Subjects of that County, will in this occasion shew as  
 ‘much forwardness and zeal for the common safety, wherein we  
 ‘are all so nearly concerned, as either is shewn now in the Northern  
 ‘parts, or hath been practised in any other time of danger hereto-  
 ‘fore in this Kingdom; which we do hereby effectually recommend  
 ‘to your Lordships care, and bid your Lordship very heartily  
 ‘farewell.

From *White-Hill*, September 16. 1640. your Lordships very  
 loving friends,

*William Cant.*  
*Guil. London.*  
*Arundel and Surrey.*  
*Dorset.*

*Fra. Cottington.*  
*Fra. Windebanke.*  
*Tho. Rowe.*

To our very good Lord, the Lord Lieutenant of the County of  
*Dorset*, and in his Lordships absence, to his Deputy Lieutenants.

September  
 1640.  
 King then at  
*York*

## To the Kings Most Excellent M A J E S T Y.

*The humble Petition of Walter Belcanquall Dean of Duresme,*  
*and one of your Majesties Chaplains.*

*I Humbly sheweth,*

*Dr. Belcan-*  
*quall's Peti-*  
*tion.*

‘**T**HAT whereas your Petitioner lyeth under a great scandal for  
 ‘your Majesties Large Declaration, your Majesty would be  
 ‘graciously pleased, to require the Right Honourable the *English*  
 ‘Lords



‘Lords Commissioners for the *Scottish* Treaty, to call before them  
‘your Petitioner, and to give unto their Lordships a faithful and  
‘true Account of that service.

16 Caroli.

*And as he is bound, your Petitioner shall  
ever pray for your Majesties long Life  
and happy Reign.*

## To the Kings Most Excellent M A J E S T Y.

*The humble Petition of the distressed Inhabitants of the poor  
County of Northumberland.*

‘**M**ost humbly shewing to your most Sacred Majesty what they  
‘presented by a former Petition, wherein was humbly offered  
‘to your Majesties gracious Consideration, the great distress under  
‘which your Petitioners are by the burden of the *Scottish* Army,  
‘who by plundering some, and threatening to plunder others, have  
‘for some fourteen dayes last, compelled your Petitioners to submit  
‘to their unreasonable and insupportable exactions of Three Hun-  
‘dred Pound a day, and a great proportion of Hay and Straw; by  
‘the latter whereof, those Cattle, if any shall be left to your Peti-  
‘tioners, will be in hazzard to be starved. All which exactions they  
‘expect to have from your Petitioners so long as they remain on  
‘this side *Tweed*. We have no succour or relief to fly to, for the re-  
‘dress of these unexpected Miseries, but to God and your Majesty,  
‘most humbly beseeching your Majesty, in the sorrows of our hearts,  
‘to afford us your Princely Compassion, in relieving us and our  
‘Countrey from this sudden and unexpected Calamity; whereby  
‘your Majesty will preserve us and our Posterities daily to pray, as in  
‘all humble duty we are bound, for your Majesty.

*September.*  
Inhabitants of  
*Northumber-*  
*land* do pay  
300 l. a day  
to the *Scots*  
Army.

## To the Kings Most Excellent M A J E S T Y,

*The humble Petition of the poor distressed Inhabitants of the  
County Palatine of Durham.*

*Who humbly shew,*

‘**T**hat since the Eleventh of this instant *September*, they have  
‘been under the burden of a Composition of 350 l. per diem to  
‘the *Scotch* Army, which they were enforc’t to pay, to preserve their  
‘Countrey from destruction: since which time, they have further  
‘taken from them Hay and Straw, for which they pay nothing:  
A a a a a a a ‘which

*September.*  
The Inhabi-  
tants of *Dur-*  
*ham* do pay  
350 l. a day  
to the *Scots*  
Army.

An. 1640.

‘which all together is so intolerable a burthen, as they are no way  
‘able to bear it.

‘Therefore their most humble Suit to your Majesty is, that either  
‘by some directions from your Majesty to the Lords now assembled,  
‘or by some other means, as in your Princely Wildom shall be  
‘thought most necessary, this insupportable burden may presently  
‘be removed; delay being unto the Countrey an unavoidable de-  
‘struction.

*And we according to our bounden duty  
shall pray, &c.*

To the Right Honourable the Lords of *England*,  
appointed Commissioners for the present  
*Meeting at R I P P O N.*

*The humble Petition of the Tenants belonging to the Bishop and  
Dean and Chapter of Durham.*

*Most humbly sheweth,*

*September.*  
The Tenants  
of the Dean  
and Chapter  
of *Durham*  
their Com-  
plaint.

‘**T**Hat whereas they have paid to the *Scots* a great sum of Mo-  
‘ney, that thereby the Inhabitants within that County might  
‘be freed from any further trouble of the *Scots*, and that their Army  
‘should make no Waste nor Spoil in their Countrey, nor to demand  
‘no more Moneys to be paid to them till that time be expired: Yet  
‘so it is, may it please your Honours, That the Commanders for the  
‘*Scots* Army have caused one *Tobias Knowles* an *Englishman*, to send  
‘forth his Warrants under his hand, to divers Parishes, thereby  
‘commanding the Constables, Greves and Officers to pay to their  
‘Collectors, the Rents due from your Petitioners to the Bishop and  
‘Dean and Chapter of *Durham* at *Michaelmas* next; and that they  
‘should pay the same at *Bishop-waremouth* on *Tuesday* last, being the  
‘twenty ninth of *September* last past, and they should have a sixth  
‘part abated; and if they did refuse to pay them that day, then that  
‘they should pay all their Rents to them the second day of *October* in-  
‘stant, without any abatement at their perils.

‘Their most humble Suit is, that your Honours would be graci-  
‘ously pleased, to move the *Scots* Lords, that the poor Tenants may  
‘be eased for paying the said Rents, they being no way able; and the  
‘Rents not yet due, and they not able to give them any discharge  
‘therefore. And that their Officers may desist from further trou-  
‘bling the said Tenants about the payment of the said Rents.

*And they shall daily pay, &c.*



# To the Kings Most Excellent MAJESTY.

The humble Petition of Sir Thomas Riddell the elder, Knight.

*Humbly sheweth,*

‘**T**hat your Petitioner being an Inhabitant in *Gatefide* near *Newcastle* upon *Tine*, the *Scots* Army now of late since their coming thither, have taken and disposed of all your Petitioners Corn, as well that in his Garners, being a great quantity, as also his Corn on the ground; and have spoiled and consumed all his Hay, both of the last year and this years growth, have taken and do keep possession of his two Milnes of great value, have spent his Grals, and spoiled many Acres of his ground by making their Trenches in it; have wasted and disposed of his Coals already wrought; have spoiled and broken his Engines, and utterly drowned and destroyed the best part of his Coal-Mines, have banished his Servants and Overseer of his Lands and Coal-Works; have plundered divers houses of your Petitioners Tenants and Servants, and taken and spoiled their Goods, so that they are not able to pay your Petitioner any Rents, nor do him any services. By all which, your Petitioner is already damnified 1500 l. And for all which premises the said *Scots* have not given any satisfaction to your Petitioner nor his Tenants; whereby your Petitioner and his Posterity are like to be ruined and undone (most of your Petitioners Estate consisting in the said Coal-erie) unless some present course be taken for your Petitioners relief.

‘Your Petitioners humble request is, That your Majesty will be graciously pleased, to take the premises into your Gracious Consideration, and of your wonted Clemency to afford your Petitioner such remedy, as to your Highness’s Wisdom shall seem meet.

*And your Petitioner shall daily pray for your Majesty.*

The Names of those are fittest to treat and settle the Compositions for Cumberland and Westmorland.

*For Cumberland.*

Sr. William Musgrave.  
Sr. Timothy Fetherstonhaugh.  
Sr. Thomas Dacres.  
William Pennington, Esq;  
Peter Sinehouse, Esq;  
Leonard Dikes, Esq;  
Symond Musgrave, Esq;

*For Westmorland.*

Sr. Phillip Musgrave.  
Sr. John Lowther  
Mr. Dalston of Ackeronbanck, Esq;  
Gaven Brathwaite, Esq;  
Dudley, Esq;  
Cleobarne, Esq;  
Crakenthorp, Esq;

These Names were delivered unto the Earl of *Bristol* at *York* in his Lodging, by divers of the Gentlemen of both the foresaid Counties on the day of September 1640.

Aaaaaaaa 2

Th.

September  
1640.

Sr. Tho. Riddell's Petition, of the damage he hath received by the Scots.

An. 1640.

*The Names of the Committee for the County of Durham.*

Sr. *William Bellasis* Knight, High  
Sheriff of the County Palatine  
of *Durham*.

Sr. *Thomas Tempest*, Baronet.

Sr. *John Conyers*, Baronet.

Sr. *William Lambton*, Knight.

*Jerrard Salwyn*, Esq;.

*Thomas Swinburne*, Esq;

*Nicholas Chaytor*, Gent.

*John Killinghall*, Gent.

*Richard Lilburne*, Gent.

These are named to be of the Committee for the County of  
*Durham*. Signed

*Bristol.*

*An Account of the Payments and Arrears for entertainment of the  
Scots Army by the County of Durham from the Eleventh of  
September, to the Sixteenth of October 1640.*

An Account  
of pay-  
ments to the  
Scots Army.

Paid in Money-----8500 *l.* or thereabout.

In Hay and Oats-----0200 *l.*

The Clergy behind in the first, }  
second and third Sesses-----} 1000 *l.*

The Laity behind of the first, }  
second and third Sesses-----} 2000 *l.*

Summ is-----11700 *l.*

To this add the Non-Solvents }  
for Lands out of the Book of }  
Rates, personal Estates and }  
Impropriations -----} 0550 *l.*

And it will make up the full }  
payment of 350 *l.* per diem, }  
according to the Agreement } 12250 *l.*  
and doth amount unto the }  
full summ of-----}

And if there be any defect in the Arrears by Poverty or otherwise,  
it is to be supplied out of the New Sess, and by paying of such Mo-  
neys for Provision, as they have given only Tickets for.

Proceedings



# Proceedings at the Great Council of Peers assembled at York upon Sept. 24. 1640, in pursuance of the Kings Writ.

THIS day his Majesty came to the Deans House at York near the Minster about Nine of the Clock in the Forenoon, and being set under the State at the upper end of the Hall where the Great Council was kept, spake as followeth.

My Lords,

UPON sudden Invasions where the dangers are near and instant, it hath been the Custom of my Predecessors to assemble the Great Council of the Peers, and by their Advice and Assistance, to give a timely remedy to such Evils, which could not admit a delay so long, as must of necessity be allowed for the Assembling of the Parliament.

This being our Condition at this time, and an Army of Rebels lodged within this Kingdom, I thought it most fit to conform my self to the practice of my Predecessors in like Cases; that with your Advice and Assistance We might justly proceed to the Chastisement of these Insolencies, and securing of my good Subjects.

In the first place, I must let you know, that I desire nothing more, than to be rightly understood of my people. And to that end, I have of my self resolved to call a Parliament; having already given order to my Lord Keeper to issue the Writs instantly, so that the Parliament may be assembled by the third of November next: Whither if my Subjects bring those good affections, which become them towards me, it shall not fail on my part to make it a happy meeting. In the mean time, there are two points wherein I shall desire your Advice, which indeed were the chief Cause of your meeting.

First, What answer to give to the Petition of the Rebels, and in what manner to treat with them. Of which, that you may give a sure Judgement, I have ordered, that your Lordships shall be clearly and truly informed of the State of the whole business, and upon what reasons the Advices that my Privy Council unanimously gave me, were grounded.

The second is, How my Army shall be kept on foot and maintained, until the Supplies of a Parliament may be had. For so long as the Scotch Army remains in England, I think no man will counsel me to disband mine: for that would be an unspeakable loss to all this part of the Kingdom, by subjecting them to the greedy appetite of the Rebels, besides the unspeakable dishonour that would thereby fall upon this Nation.

Then his Majesty commanded the Petition of the Scots dated the fourth of September to be read; and the Answer thereunto the fifth of September. Also the Letter of the Scots to the Earl of Lanerick, dated at the Leaguer near Newcastle, the eighth of September, containing their demands; and the Answer thereunto.

All which are mentioned in order of time in these Collections, and therefore not now repeated again.

After

His Majesties  
Speech to his  
Great Council  
of Peers as-  
sembled at  
York, Septem-  
ber 24. 1640.

An. 1640.

After this was read a Letter to the Lord *Laurick*, dated by the *Scots* at *Newcastle* September 23. 1640. desiring his Lordship to procure them a speedy Answer to their Petition and demands: and likewise the Petition to the same effect.

And that their Lordships might perceive and know, upon what Grounds and Reasons the Lords of the Privy Council had unanimously advised to raise an Army against the *Scots*, his Majesty commanded their particular demands made in their last Parliament, and acknowledged by the Lord *London* to be read. Which demands the Earl of *Traquaire* explained to the Peers for their better Information; and shewed, how some of them subverted the Fundamental Laws of that Kingdom; others the Prerogative and Dignity of his Majesty derived from all his Predecessors, and whereof many were to the detriment of the Kings Profit, and prejudice of divers good Subjects there.

Commissioners appointed to treat with the *Scots*.

ALL which being heard and considered of by the Peers, it was at last resolved (as touching the first Point proposed by his Majesty) "That certain of themselves should be sent as Commissioners to Treat with Commissioners of theirs. The number agreed upon were Sixteen; viz.

*Earl of Bedford.*  
*Earl of Hertford.*  
*Earl of Essex.*  
*Earl of Salisbury.*  
*Earl of Warwick.*  
*Earl of Bristol.*  
*Earl of Holland.*  
*Earl of Berkshire.*

*Viscount Mandevile.*  
*Lord Wharton.*  
*Lord Pagget.*  
*Lord Brooke.*  
*Lord Pawlett.*  
*Lord Howard.*  
*Lord Savile.*  
*Lord Dunsmore.*

And because the Commissioners for their better proceeding and information, desired some such Assistance to be present with them at the Treaty, as were either versed in the Laws of *Scotland*, or had been formerly acquainted with the passages of this business, These following were named and appointed Assistants by his Majesty; viz.

*Earl of Traquaire.*  
*Earl of Morton.*  
*Earl of Lanerick.*

*Mr. Secretary Vane.*  
*Sir Lewis Steward.*  
*Sir John Burrough.*

AS touching the place of Meeting, it was at first designed to be at *Tork*; and afterwards ordered to be at *Northallerton*.

It was further ordered, That the Earl of *Lanerick* Secretary of *Scotland*, should write his Letter to the *Scots* at *Newcastle*, signifying the resolution of the King and Peers to treat with them at the day and place appointed, with the Names of the Commissioners.

Also to let them know, that they should have sufficient Safe-Conducts for their Commissioners; and likewise a releasing of their Prisoners



Prisoners for exchange of ours detained by them, and fair Quarter to be kept betwixt both Armies.

The Letter followeth in these words :

*My Lords,*

‘A Ccording to his Majesties appointment, the most part of the Peers of this Kingdom of *England*, met here at *York* this day, where his Majesty did communicate unto them your Desires and Petitions : And because you do so earnestly press for a speedy Answer thereunto ; his Majesty with the advice of the Peers, hath nominated such a number of them, for a Conference with you upon *Tuesday* next at *Northallerton*, whose Names are here underwritten : But withal, if you shall think the time too short, and with conveniency you cannot come so soon thither, if betwixt this and *Sunday* you do acquaint his Majesty therewith, he will take order for the delay thereof, for one day or two.

‘And that you may without all fear or danger of Detention, send such persons unto the said Conference as you shall think most fit, if betwixt this and *Sunday*, you send thither the Names of those you mean to employ ; his Majesty will with all possible Diligence retain a Safe-Conduct under his own Royal Hand for them and their necessary Servants.

‘His Majesty hath likewise commanded me to let you know, that upon your releasing of such Officers, and others of his Subjects, as are detained by you, he will return all such of yours, as are his Prisoners, either here or at *Berwick*. And hereafter resolves, that fair Quarter shall be kept betwixt both Armies. Thus having reported his Majesties pleasure, I continue

*Your Lordships Servant,*

Y O R K, Septemb. 24.

1 6 4 0.

*Lanerick.*

The same Commissioners were inserted in this Letter, who were agreed upon at the Great Council, and are before mentioned.

*Earl of Bedford.  
Earl of Hertford, &c.*

This Letter was ordered to be sent by Mr. *John Bellasis* Son to the Lord *Faulconbergh*, appointed for that purpose by his Majesty and the Peers.

*September*

16 *Caroli.*

The Earl of *Lanerick's* Letter to the *Scots* about the Treaty.

An. 1640.

September 25, 1640,

Present

The Kings Most Excellent Majesty,

Lord Keeper.

Lord Privy Seal, &amp;c.

The Subjects  
matters  
to be consid-  
ered by the  
Great Coun-  
cill of the  
Peers at York

**H**Is Majesty in the first place commanded the Petition of the Inhabitants of *Northumberland* to be read, complaining of divers unreasonable and insupportable Exactions of the *Scots*.

Also the Petition of the Inhabitants of the Bishoprick of *Durham*.

Then the Petition of the Tenants to the Bishop, Dean and Chapter of *Durham*.

All which are before mentioned.

Then his Majesty caused the before mentioned Letter which the Earl of *Lanerick* had drawn up, to be read in full Council, bearing date the 24th of *September*, which was agreed upon and ordered to be sent to the *Scots* at *Newcastle* by Mr. *Bellasis*.

The Bishop of *Durham* also having presented to the Council the great Calamities which the Inhabitants of the Bishoprick endured by reason of the *Scottish* Exactions, humbly besought, that the Lords Commissioners would procure the *Scots* to forbear Acts of Hostility during the Treaty.

Whereupon his Majesty gave order, that the Commissioners for the Treaty at *Rippon* should take that particular into consideration, and as they should see opportunity to deal therein.

**T**He Incommodities which the Lords should meet withal at *Northallerton*, being signified by the Earl of *Strafford*, the whole Council afterward concluded to change the place to *Rippon*, and the day of Meeting was to be the first of *October*.

**T**hen his Majesty moved the Lords to apply themselves to the business of the day; which was to enter into debate of the second Proposition proposed the day before by his Majesty; viz.

How the Army should be maintained until the Supplies of a Parliament might be had.

And that their Opinions might be more freely delivered, his Majesty offered to retire and depart the Council. But the Peers humbly besought his Majesty, to continue his presence amongst them; for that by his great Wisdom and particular knowledge of his affairs, they should be the better directed upon that which was most expedient to be done. Their humble request his Majesty graciously assented.

And then his Majesty desired the Peers to enter into Consideration, First, What, and how much, was fit to be had, for the maintenance of his Army. And,



Secondly, How it should be raised or procured. Informing them, that it was only Money that was wanting: For as for other Necessaries, there was sufficient provision made already. And that they might the better conceive what sum was requisite, he referred them to the Relations of the Earl of *Strafford*, and others his Officers, that should give them information of the true State of the Army: adding, that in his own opinion, no less sum than *Two Hundred Thousand Pounds* would serve the turn.

Whereupon the Earl of *Strafford*, Lieutenant General of the Army, declared the State of it to be as followeth:

‘1. **T**hat the Kings Army was in Arrear to *Yorkshire* for one Fort-nights Victuals.

The State of the Kings Army.

‘2. That there was in pay Nineteen or Twenty Thousand Foot, and about Two and Twenty or Three and Twenty Hundred Horse, besides Three Regiments of *Scottish* Reformed Officers all in pay, which amounted to *Threescore Thousand Pounds a Moneth*.

‘3. That if this Army should disband for want of Money to pay them, the County of *York* would be lost in two dayes, and the whole Kingdom endangered.

‘4. Lastly, That to keep the Army together for three Moneths, no less would serve than the sum of *Two Hundred Thousand Pounds*.

‘**H**ereupon it was resolved, That a Letter should be written to the City of *London*, subscribed by all the Peers present, for lending the foresaid sum of *Two Hundred Thousand Pounds*; which Letter was to be drawn by a select Committee of the Council being nominated, as followeth:

Lord Keeper.  
Lord Privy Seal.  
Earl of Bedford.  
Earl of Hertford.  
Earl of Bristol.  
Earl of *Strafford*.

Lord North.  
Lord Goring.  
Mr. Secretary Vane.  
Lord Chief Justice Littleton.  
Mr. Attorney.

**A**fter, &c. Having been by his Majesties Writ under the Great Seal of England, assembled here the twenty fourth of this instant Moneth, to our exceeding Joy and Comfort, before our entry into any Consideration his Majesty was pleased to declare his gracious resolution for holding a Parliament at Westminster the third of November next; to which Declaration his Majesty was pleased to add so full assurance of his great desire to be rightly understood by his people, and of his resolution to relieve all the just grievances at this succeeding Parliament, that we all rest confident upon his Royal Word, that this whole Kingdom shall be firmly united in a loyal and hearty care for the preservation of the true Religion established here, the honour of his Most Sacred Majesty, and the general good and happiness of all his Majesties loving Subjects. We are every way sensible of the great calamity, that cannot but

A Letter from the Lords of the Great Council at York to the City of London.

Bbbbbbbb

light

An. 1640.

light upon both Kingdoms by the present distractions and distempers, and have for timely remedy therein, been (by his Majesties great Wisdom and Prudence) put into a way of Treaty with those of Scotland, for such an accommodation, as may tend to the honour of his Majesty, and the perfect union of both Kingdoms; wherein as we rest most assured, that his Majesty will be no way wanting in his Grace and Goodness, to listen to the just and reasonable Demands of his Subjects of Scotland; so if they shall insist upon terms dishonourable for his Majesty and the English Nation to condescend unto, we shall all hold our selves obliged in honour and duty to preserve and defend this Kingdom from all invasions and spoils, by any kind of enemy whatsoever. The Lords appointed by his Majesty and the Great Council of the Peers are to meet with those of Scotland on Thursday next at Rippon; and we all are not out of hope, that all things may come to a happy and speedy conclusion. In the mean time, taking into our serious consideration the state of Newcastle, the Commodities whereof are so necessary and hehoveful for the City of London, and indeed for the whole Kingdom; the miserable conditions of the Counties of Northumberland, and the Bishoprick of Durham; the particulars whereof, the Lords deputed and entrusted with these our Letters and other Instructions, will fully acquaint you with: and withal finding that the safety of this great and considerable County of York, and the adjacent Counties, depend upon the holding together of his Majesties Army; and knowing well, that although these Counties should for the present first undergo the Calamity that would ensue thereon, yet the danger and misery would soon undertake all other Counties of the Realm, We could not in our Judgements think it wisdom, to advise his Majesty to disband our Forces, but much rather, to continue them together, till by the happy success of this Treaty, or the great Wisdom of the Parliament, some course might be taken for a firm Peace, or just War: the consideration whereof, we shall, as in all things, humbly referr to that Great and Honourable Body now summoned, and which will undoubtedly, with Gods Grace, assemble at the day and place appointed. His Majesty hath made it appear to us, that his Treasure is exhausted, and that he is altogether unprovided to keep his Forces together for so long a time, as the Parliament can settle some such course, as they in their Wisdoms shall think fittest. To the end therefore that the English Forces may not disband till those of Scotland do, we have all with an unanimous consent resolved, that it is necessary, that his Majesty be supplied with Two Hundred Thousand Pounds, as well for the continuing of them together, as for the orderly dismissing of them when it shall be time so to do, lest in their return his Majesties Subjects should undergo any of those inconveniencies, that Soldiers sent away unsatisfied are apt to put upon them. We assuredly perswade our selves, that the City of London is well able to supply his Majesty with this sum; and we do not doubt, but (our hearts being all here united) the same affection will shew it self in you of London, who are so concerned in the Danger, and so considerable in your selves. To these arguments, which we doubt not but you will seriously consider, and fortifie with many of your own, we cannot but add our hearty, earnest and unanimous desires and affectionate requests, that you would not at this time be failing to so gracious a King, to the whole Kingdom, and to your selves; and to this purpose we have deputed their Lordship Henry Earl of Manchester, Lord Privy Seal, Philip Earl of Pembroke and Montgomery, Lord Chamberlain of his Majesties Household, Jo. Earl of Clare, Ed. Viscount Campden, the Lord Countrey,

and



and George Lord Goring, Vice-Chamberlain of his Majesties Household, members of this Great Council, who being assisted by the principal Officers of his Majesties revenues, shall treat and conclude with you of all particulars both for security and dayes of payment, such as may best suit with his Majesties real performance of the premises, we offer our selves to joyn in any further security in such manner as shall be agreed upon by these Lords and your selves: all which we the rather offer to your serious considerations, in regard we do visibly foresee, that the disbanding of his Majesties Army, may be the absolute loss of all those adjacent Counties, and the endangering of the whole Kingdom, and that no other present means than by Loan of Two Hundred Thousand Pounds from you, can be found, for the publick preservation of the King and Kingdom. And so we bid you heartily farewell, and we rest

Your ever loving friends, &c.

These Instructions were drawn up for the Lords deputed to treat with the City of London.

1. **T**O acquaint them with the Petitions from Newcastle, Northumberland and the Bishoprick of Durham, with such Circumstances as they conceive material concerning them.

2. To acquaint them with the Acts and proceedings of this Assembly of the Peers.

3. The Security which they shall offer from the Peers, is to be by Bond.

4. All other Peers (though not present at this Assembly) are to be desired to engage themselves as far forth as the Peers now assembled shall.

5. The Lords deputed shall have authority to desire, in the name of this Great Council, the Assistance of any Peer of the Realm for furtherance of the Business, wherein they are employed.

6. The Lords deputed, to agree for times of Payment and Repayment, wherein they are to take notice, that his Majesties Occasions will require Fifty Thousand Pound to be paid by the twelfth of October next, One Hundred Thousand Pound by the fifteenth of November, and the other Fifty Thousand Pound by the first of December, and to draw the City as near as they can to these times.

For the Dayes of Re-payment, they are to conferr with the Officers of his Majesties Revenue.

16 Caroli.

Instructions given to the Lords that were to treat with the City of London for the Loan of 200000 l.

An. 1640.

*English Lords appointed by the Great Council of the Peers, to treat with the Commissioners of Scotland at Rippon on Thursday October 1. 1640.*

*Earl of Bedford,  
Earl of Hertford, &c. as are before mentioned.*

To whom were added as  
Assistants,

*Earl of Traquaire.  
Earl of Morton.  
Earl of Lanerick.  
Mr. Secretary Vane.  
Sr. Lewis Steward.  
Sr. John Burough.*

*Scottish Commissioners.*

*Earl of Dunfermelin.  
Lord Lowdon.  
Sr. Patrick Hepburne.  
Sr. William Dowglas.*

*Mr. Smith.  
Mr. Wedderburne.  
Mr. Henderson.  
Mr. Johnston.*

*Sept. 29.  
The Kings  
Commission  
impowering  
the English  
Lords to treat  
with the Scots,  
as it passed  
under the  
Great Seal.*

**C**HARLES by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our Trusty and well beloved Cousins and Councellores of our great Council now assembled, Francis Earl of Bedford, William Earl of Hertford, Robert Earl of Essex, William Earl of Salisbury, Robert Earl of Warwick, John Earl of Bristoll, Henry Earl of Holland, and Thomas Earl of Berks; and to our right Trusty and right well beloved Councellores of our said Great Council, Phillip Lord Wharton, William Lord Pagett, Edward Lord Kimboulton, Robert Lord Brooke, John Lord Paulett of Hinton St. George, Edward Lord Howard of Estricke, Thomas Lord Savile, and Francis Lord Dunsmore, Greeting: Whereas divers of our Subiects of Scotland have by their severall Petitions humbly besought Us, that We would be graciously pleased to grant unto them certain Demands, whereupon We let them know, That by the Advice of the Great Council, We would give answer thereunto; We reposing special trust and confidence in your great Wisdoms and Fidelity, by the Advice of our said Great Council, have given and granted unto you, and by these presents do give and grant unto you or any Ten or more of you, full power and authority to treat with Charles Earl of Dunfermling, John Lord Lowdon, Sir William Dowglas of Caveris, Sir Patrick Hepburne of Waughton, John Smith, Alexander Wedderburne, Alexander Henderson, and Archibald Johnston, or any of them deputed by our said Subiects of Scotland, or nominated on their behalf: and to take into your serious Consideration the said Demands, and to compose, conclude and end all differences arising thereupon, or otherwise as you or any Ten or more of you



you in your Wilsoms shall think fit. And whatsoever you our said Commissioners, or any Ten or more of you shall do in the premises, We do by these presents ratifie and confirm the same. In Witness whereof, We have caused these our Letters to be made Patents. Witness Our Self at Our City of York, the Nine and Twentieth Day of September in the Sixteenth Year of Our Reign.

16 Caroli.

For the better management of this Treaty, certain Instructions were given to the Kings Commissioners of this Tenor :

*Instructions for our Right Trusty and Right Well beloved Cousins and Councillors of our Great Council, the Earls of Bedford, Hertford, Essex, Salisbury, Bristoll, Warwick, Holland and Berks, and for our Right Trusty and well beloved Councillors of our Great Council, the Lords Mandevile, Paget, Wharton, Brooke, Pawlett, Howard, Savile, and Dunsmore, Barons and Councillors nominated and deputed by Us and the Great Council of Peers, now assembled by vertue of our Writ of Summons at our City of York, to meet and Treat of an Accommodation of Differences; and if possible, a firm peace, with such Lords and others of Scotland, as shall be deputed and authorized to the same effect: Which Conference is appointed by Us to be held on Thursday next at Rippon the first of October 1640.*

‘First, You are for a ground and rule unto this present Treaty, to take the Articles of Pacification agreed upon, and signed by Us and them the last year at our Camp near *Bermick*. And in case they assent unto them, you are then to declare in our Name, that we are still resolv’d not to depart from any thing therein contained on our part.

‘But if so you find upon Conference, that they will not lay the said Pacification as a ground to the Treaty, you are then to hear their Reasons, and to advertise Us and the Peers thereof.

‘And whereas the *Scotch* Lords, by their Letter of the eighth of this instant *September* to the Lord *Lanerick*, have made severall Demands :

‘First, That the last Acts of Parliament may be published in our Name; you are to let them know, that the Convention being convened without our Royal Authority, contrary to the Laws and Constitutions of that Kingdom, We may not Ratifie the same with our Royal assent; yet nevertheless such are our Inclinations to peace and the preservation of that our Kingdom, that we having taken into consideration those particular Acts, concerning such and such persons, We will give our Consent in a Parliament to be summoned by Us according to the Legal way: and for such other Acts, as are either Derogatory to our Crown and Dignity, or alter the Fundamental Constitutions of the Parliament of that Kingdom, We have commanded the Earls of *Traquair*, *Morton* and *Lanerick*, to give you the best Informations herein they can.

An. 1640.

‘ 2. To the second demand, touching the Castle of *Edinburgh*, and other strenghts of *Scotland*; You are to let them know, that as the last year, so now, We expect that they shall be restored. Which we mean to keep for the Defence of that Kingdom, as hath been done in the times of our Predecessours.

‘ 3. Concerning the third Demand, that the *Scotch* in *England* and *Ireland* should be freed from Oaths and Subscriptions, You are to declare unto them, that the Subjects of each Nation are to be subject to the Laws of that Kingdom wherein they live.

‘ 4. To the fourth, That the common Incendiaries who have been the Authors of this Combustion in his Majesties Dominions, may receive their just Censure, You are to tell them that we conceive that all personal Animosities and Disputes touching the actions of private persons, not being easie to be composed, It were much better and more Christian to bury them on all hands, than to raise them again by such Demands. But if they press particulars against any person, you are to hear them, and to report the same to Us, and the Great Council of the Peers.

‘ 5. To the fifth, that their ships and Goods, with all the Damages thereof may be restored, You are to let them know, That the other points of the Treaty being accorded, We are graciously pleased that the Ships and Goods of our Subjects be restored.

‘ 6. To the sixth, That the Wrongs, Losses and Charges sustained may be repaired, You are to understand from them, for what and from whom they intend their satisfaction.

‘ 7. To the seventh, That the Declarations made against them as Traytours may be recalled, You are to let them know, that when the Treaty is agreed upon, and they conform themselves as Dutiful and obedient Subjects, We shall then be graciously pleased to recall the said Declarations.

‘ 8. And for the removing of the Garrisons from the Borders, and Impediments that may stop Free-Trade, You may declare unto them, that this was not demanded by the Articles of Pacification. And though afterwards desired by them, yet refused by us. Nevertheless when the *Scottish* Army and Forces shall be withdrawn out of this Kingdom, We shall be content to do therein, as our Great Council of the Peers now assembled shall advise us. And for the Freedom of Trade, We will then take such order as shall content them.

‘ As touching the suspension of Armes, We do give you power to move, or accept of any thing concerning the same, as you shall see cause upon the place, Taking the best care you can, for relieving of such Counties as are under Contribution.

‘ Now the Articles of Pacification the last year, being the Rule to govern this Treaty by, and for these Articles and the particular answers to their Demands, You are then to endeavour to draw them as near to the same as you can, but not to break the Treaty, only to Report the Differences, with the reasons that fall between you, to us, and our great Council of the Peers now assembled.

‘ Lastly, We have commanded that the Earls of *Traquair*, *Morton*, *Lamrick*, Mr. Secretary *Vane*, with the assistance of Sr. *Lewis Steward*, and Sir *John Berrough*, may be present at the Treaty between you and our Subjects of *Scotland*, at all your publick Debates, Meet-

ings



'ings and Conferences concerning the same. It is therefore our express pleasure, that they or any of them may object, debate, and propose what they (out of the knowledge and experience they have had of these affairs) shall conceive to conduce to our service, and the peace of these our Kingdoms.

16 Caroli.

Soon after this the Scots appointed a select Committee to Treat with the Lords Commissioners agreed on by his Majesty and the Council, and signified the same to the said Commissioners in this following Letter.

Right Honourable,

**T**Hese are to signifie to your Lordships, that We have appointed the Earl of Dumfermlin, the Lord Lowdon, the Sheriff of Teviottdale, Sr. Patrick Hepburne of Wanchtowne, John Smith, Mr. Alexander Wedderburn, Mr. Alexander Henderson, and Mr. Archibald Johnston to attend those Noblemen, whom his Majesty hath been pleased to nominate, for that Conference appointed by his Majesty to be at Rippon on Thursday next, they getting that safe-Conduct here enclosed under his Majesties Royal hand, with subscription of the Peers, returned with this Bearer; and that We have not (in this preparatory Treaty) sent a Number equal to those Peers expressed in your Lordships Letters, the fewness of our number here, and the nature of our Commission, being a Committee from the Parliament, and the greater part of the Peers of Scotland being absent, will plead our excuse. And to witness how much desirous we are to obey all his Majesties just Commandments, We have released such Officers and others, as were detained by us, being confident, that his Majesty, (out of his Royal Justice and Goodness) will be graciously pleased to release all such as are imprisoned, or detained for our Cause in any place within his Majesties Dominions; and that such fair Quarter shall be condescended upon, and kept hereafter betwixt both Armies, as are in any Wars, till we attain a happy peace; That from the sense of Royal benig- nity, we may be encouraged to the performing of every Duty can be re- quired, or expected from good Subjects, In which Resolution we remain

The Scots  
Letter to the  
English Com-  
missioners.

Your Lordships

Newcastle Sept. 26.

1640.

Affectionate Friends to

serve you.

**W**E Commissioners of the Parliament of Scotland, under subscri- bed, Do by these presents give full power and Commission to Charles Earl of Dunfermlin, John Lord Lowdon, Sir Patrick Hep- burne of Wanchtown, Sir William Douglas of Caneris, John Smith, Mr. Alexander Wedderburn, Mr. Alexander Henderson, and Mr. Ar- chibald Johnston, to meet and Convene with the Noblemen Peers of England, appointed for the Conference anent his Majesties Answer to our Demands, with power to them to Confer, Treat, and De- mand, conform to the Instructions already given, or which shall be hereafter given, or sent to them, and to report to Us at all occasi- ons.

The Com-  
mission.

An. 1640.

ons. In witness whereof we have Subscribed these presents at *New-  
Castle* the last day of *Septemb.* 1640. Subscribed

*Rothes.*  
*Cassillis.*  
*Lothyan.*  
*Lindesay.*  
*Napier.*  
*Home.*  
*Sir George Ker.*

*Thomas Hope.*  
*W. Riccarton.*  
*W. Hamilton.*  
*Hen. Kennedy.*  
*G. Porterfield.*  
*J. Sword.*  
*J. Rutherford.*

The Treaty  
at *Rippon.*

**O**ctober the first, being the day appointed, they met at *Rippon*, and the Earl of *Brisfol* opened the occasion of the Conference and meeting at this time to this effect.

**I**t is by his Majesties special Commandment, that We give your Lordships this Meeting; We come authorized by his Majesties Commission, under the Great Seal of *England*.

And by his Majesties further permission, We have been nominated and deputed by the great Council of Peers now met at *Tork*.

Our ends and our Desires, I conceive are the same, which are by Gods holy permission, to endeavour to accommodate those unhappy misunderstandings and Differences which are now on foot, in such sort as may most redound to the Glory of God, the Establishment of true Religion, the Honour of the King, Sovereign to Us both, and the Peace and Tranquillity of both Nations.

*At the day appointed, &c.*

*Rippon, Oct.*  
*2. 1640.*

The *Scottish* Commissioners at their first meeting took exceptions to the Assistants, and gave the effect thereof in Writing as followeth.

The Scots  
Commissioners except  
at the Assistants of the  
*English.*

**B**ecause we doubt not but your Lordships are well acquainted with our proceedings, and the Reasons of our Demands, and since by our Commission We are not Warranted to Treat, but with the Noblemen named by his Majesty, with the advice of the Peers, and are particularly Warranted to make exception against the Earl of *Traquair* for his Maleverfation in the matter of the Assembly and Parliament, and for which his Lordship, and all such as have done evil Offices to divide betwixt the King and his Subjects, are demanded to be Censured; therefore we expressly decline the Earl of *Traquaire*, and do not conceive that according to his Warrants granted to us in his Majesties Letter and our Commission, any man can assist at the Treaty but the Noblemen expressed in his Majesties Letters.

The



The *Scotch* Commissioners being moved to set down certain Heads for Introduction to the Treaty, they exhibited a Paper of the tenour following.

16 Caroli.

‘1. **W**E conceive that since our humble desires and demands are particularly expressed, the most convenient Order for bringing of matters speedily to a wished end, must be to Treat upon the very demands as they are expressed; And whatsoever from the Articles of the last Pacification, or any other grounds, may serve for expeding of matters, that it be brought in as *sub vi-  
via.*

Ripps, Oct.  
2. 1646.  
Heads for introduction to the Treaty set down by the *Scots* Commissioners.

‘2. If there be a Treaty of Pacification, and Armes shall cease; It is necessary that your Lordships first take into your Consideration, how our Army shall be maintained, until the Treaty be ended, and our peace secured.

‘3. If it shall be found expedient that a greater number of Commissioners be sent to the Treaty, from the Commissioners of the *Scotch* Parliament, It is humbly craved, that the like safe-Conduct may be given to them, as is granted to us.

‘4. A safe-conduct is likewise demanded to all such as shall be sent from the Commissioners of the Parliament to us, or from us to them upon all occasions; and that the ordinary Post may be free for carrying of our Letters to *Edinburgh*, and from thence for giving of speedy Advertisement and Resolutions, because of the necessary intercourse and correspondence betwixt both the Committees.

‘5. That (for the benefit of the Subjects of both Kingdoms) Trade, and free Commerce, of Importing and Exporting of Commodities be allowed, especially that Victuals from *Scotland* and other places may be transported to *Newcastle*, for the better ease of the *English*, and more convenient entertainment of our Army.

These Propositions the Lords Commissioners sent to the King, and received direction to give them this Answer, which they did in writing as followeth.

To the Proposition of the safe-Conduct and freedom of the Post way.

‘**H**IS Majesty is graciously pleased to grant the same, during the Treaty.

‘Concerning the Assistants.

‘That in regard of the unequal condition which is conceived his Majesties affairs will be put into, if his Majesty should not make choice of such assistants as he conceiveth be versed in them; We have order to offer it to your second consideration, and to let you

The Answer to the Scots exception of the Assistants.

C c c c c c c

‘know,

An. 1640.

‘ know, that the said Assistants are not any way authorized to Confer or Treat with the Commissioners of *Scotland*, nor to have any voice or vote in the debating, or concluding of any thing; but to give Us a right Understanding of such things as can no otherwise fall under our knowledge.

To this the *Scotch* Commissioners replied the same day, as followeth.

The Scots Reply.

‘ **WE** do thankfully acknowledge his Majesties goodness in granting the safe-Conduct, and opening the Post way, and that we may at all occasions make use thereof, we desire that so soon as may be, the same may be made known to the Posts all the way to *Berwick*, and Warrant given that there be no impediment to such, as shall come and go.

‘ Concerning the Assistants, the reasons of our former Answer permitteth us not to take any new Resolution in our subsequent Considerations: And since your Lordships do declare, that it is not intended that they shall have any voice in debating, and all points material are to be committed to Writ, If your Lordships conceive their advice to be necessary, it may be given to your Lordships by them, although they assist not openly in the Treaty.

After this, the Commissioners on both sides falling into speech of a Cessation of Armes during the Treaty; The *English* Lords pressed to have them particularize their Demands, and especially to set down in writing what they expected upon their Proposition of having their Army maintained during the Treaty.

This the *Scotch* Commissioners requested to have in Writing, which was given them as followeth.

The Scots Commissioners desired to set down in writing, what maintenance they require for their Army during the Treaty.

**I**T is propounded to your Lordships, that you give a particular of all your demands under your hands, and especially what you do expect for the Losses which you pretend to have sustained; As likewise for maintenance of your Army during the Treaty, and how you intend or would advise, it should be raised or satisfied unto you.

To which they made Answer the same day in writing, in these words.

The Scots Answer.

**I**T is our desire unto your Lordships, that such things which are preparative and necessary for the Treaty, may be distinguished from the matters and parts of the Treaty it self; And thus we shall be ready to give the particular of that our demand, concerning our Losses and Charges which we have sustained, and of all our other demands, each one in their own place; And we are willing to answer presently according to our Instructions, to that which is propounded by your Lordships, concerning the maintenance of our Army; for by them we are Warranted to demand the sum of *Forty thousand pounds in the Month*. But concerning the way of raising thereof,



thereof, neither are we instructed, nor do we presume to advise; And your Lordships in your wisdoms, can best consider the wayes how this may be done, that we may the better proceed in the intended Treaty.

16 Caroli.

U Nto this Proposition the Earl of *Bristol* (by order of the rest of the *English* Lords Commissioners) demanded of the Commissioners of *Scotland*, whether the demand of *Forty thousand pounds a Month* were positive, or such as upon debate, and just reasons they might mitigate.

This the *Scotch* Commissioners craved to have in Writing, and returned their Answer in writing, as followeth.

A S we have (according to our Instructions) shewn your Lordships what is required for the maintenance of our Army, so it is our desire, that your Lordships may be pleased to express, what sum your Lordships think to be a Competency; and that as your Lordships think meet to make Remonstrance of our proposition to his Majesty, we also may be enabled to make your Lordships minds known to the Committee of Parliament that sent us, for the better and more speedy accommodation.

Rippon Octob. 5.

1640.

T O this Demand of the *Scotch* Commissioners, the Lords Commissioners of *England* (before they returned Answer) thought fit to send five of their own number, viz. the Earls of *Hartford*, *Bristol*, and *Holland*, and the Lords *Wharton* and *Savil*, to acquaint the King and the Great Council of the Peers therewith, and to receive direction how to proceed therein.

May it please your Majesty,

W E met with the Commissioners of Scotland this morning, being Friday the second of October, where the Earl of Bristol made a short Introduction. And in the first place we made your Majesties Commission under the Great Seal of England to be read. In the next place, we desired to know how they came authorized. whereupon they produced a Commission from the Commissioners of their Parliament of Scotland, a copy whereof we send your Majesty. After this the Lord Lowdon said it was most needful to repeat their demands; for the conclusion of the late Parliament, their Printed Declarations, and their Letters to the Earl of Lanerick contained the subject and substance of all their demands. Hereunto after consultation amongst our selves, we replied that if their demands had been set down in any Letter or Petition, we might have had certain grounds to Treat of; but to have relation to all their Printed Declarations, were to leave things to uncertainties. Hereunto they replied, that the word Printed Declarations was in the Letter to the Lord Lanerick, which they caused to be read. After this they propounded this Question, In what quality the Lords of their own Nation sate there. Where-

Octob. 2.

1640.

A Letter from the Commissioners at Rippon to the King.

An. 1640.

upon after private consultation amongst our selves, we declared, that we being nominated as Commissioners, humbly signified unto your Majesty, that we being meer strangers to the Laws and Constitutions of Scotland, desired the assistance and information of some such as your Majesty knew to be well versed in those affairs. So that in the matter it self, it was upon our humble request; but for the persons they were nominated by your Majesty, such as your Majesty held fit and best instructed in the Laws and Constitutions of that Kingdom. whereupon the Lord Lowdon, in the name of the rest said, that they were limited by their Commission to Treat with such Lords as in your Majesties name were signified unto them by the Earl of Lanerick's Letter to be Deputed to Treat with them and with no other. Whereupon desiring that there might be no misunderstanding, we intreated them to set down in writing the contents of their Instructions in this particular. Which they did accordingly: and herewith we send it your Majesty inclosed. Hereupon having debated amongst our selves, and finding it necessary according to our duties to hold our selves precisely to your Majesties Instructions, and it appearing doubtful unto us, whether we might proceed without such Assistants as your Majesty hath assigned unto us by your Instructions under your hand, we held it fit to have recourse unto your Majesty therein to receive such further instructions as your Majesty in your Princely wisdom shall be pleased to give us, which we shall not fail to pursue with all the Loyalty and Affection as your Majesty may justly expect from

Rippon Octob. 2.

1640.

Your Majesties most humble and  
obedient Subjects.

Since the writing of this Letter, the Commissioners of Scotland desired a meeting, although we had sent to discharge it, until we had heard from your Majesty. They have made some propositions to us, and have promised to deliver them unto us in writing. But fearing lest we should retard this dispatch too long, we have sent it away, and within few hours do hope to send unto your Majesty what hath since occurred.

The English Commissioners at the Treaty at Rippon made choice of Mr. Fran. Palmes a younger Son to Sir Guy Palmes to carry the Letter above mentioned to his Majesty.

### The KING's Letter to the Lords concerning the Scots Demands.

The King's  
Answer to the  
Lords.

Right Trusty and Right Well beloved Cousins, and Councillours of our great Council now Assembled, We perceive by your Letter of the second of this month, That the Commissioners of Scotland alledge, they are not warranted to Treat but with the Noblemen named by us with the advice of the Peers, for which cause besides the exception they are warranted to make against the Earl of Traquaire, they decline him and conceive that by the Warrant granted them in our Letter and Commission none are to assist at the Treaty, but the Noblemen expressed in our Letter. This we have



have imparted to such of our great Council as are left here, and by their Unanimous Advice we return this answer, That the Earl of Traquaire, and the rest, with the advice of our Peers appointed to assist you, were not any way authorized to conferr or Treat with the Commissioners of Scotland, nor to have any voice or vote in the debating or concluding anything, but only to give you a right understanding of such things as you could not otherwise be enabled to Treat of or debate, in regard of your being strangers not only to the Laws and Customes of the Kingdom of Scotland, but altogether unacquainted in the passages of the Assembly and Parliament, without knowledge whereof the matters in difference cannot be so well cleared; And therefore by the advice of the Peers here Assembled, we hold it very reasonable that the Earl of Traquaire should be present, to whom all things that will require Debate are best known, and that you should press them to admit thereof, giving this and such other reasons for it as you shall think fit.

Nevertheless because we are willing the Treaty should go on with as little loss of time as may be, We have by like Advice of our Peers, and to the intent we may the better discern what need there will be of such Assistants, thought fit to give you this Direction, in case they refuse, that then without Assistants you should press the Commissioners of Scotland to give you a particular of all their Demands under their hands, and especially what they do expect for their losses which they pretend they have sustained; And for maintenance of their Army during the Treaty, or how they Intend or would Advise how it should be raised and satisfied unto them, of which you are to make report to us.

For the safe-conduct which they desire for such only as shall be sent to the Treaty from the Commissioners of the Scottish Parliament, and for all such as shall be sent from the Commissioners unto them, or from them to the Commissioners upon all occasions, with the freedom of the Post for carrying of all the Letters to and from Edinburgh, We are graciously pleased to grant the same during the time of all the Treaty. Touching the Trade or free Commerce of Importing and Exporting of Commodities, when the business is a little further admitted, we shall the better resolve what answer to give therein as a thing more proper to the Conclusion than for the beginning of a Treaty.

For the cessation of Arms you have our Instructions already, whereby we and our Council are of opinion that the Disbanding of both Armies were much better than a Cessation, which therefore we would have you propound and endeavour with them, and so we bid you heartily farewell.

York Octob. 3.

1640.

ON Wednesday the seventh of October his Majesty with the Advice of his Peers ordered to Transfer the Treaty from Rippon to the City of York, and Letters to that effect were sent to the Lords Commissioners of England, and they were to certify those of Scotland thereof with the Reasons, as first the want of Health in that place, secondly that it will be a means to expedite the Treaty by bringing it nearer to his Majesty.

The

An. 1640.

The King  
resolves to  
transferr the  
Treaty from  
Rippon to  
York.

The Contents of this Letter was delivered by the Lord's Commissioners to the Scotch Commissioners at Rippon, October 8. 1640.

‘THAT his Majesty in regard of the unhealthfulness of this place, and for the expediting of this Treaty, hath been induced to this Resolution, That the Treaty be transferred from *Rippon* to *York*. His Majesty also expects that the *Scottish* Commissioners should send presently for order to come thither ; and that they procure absolute and full power to conclude as well as to Treat, and that they shall find the like power there: and to this end his Majesty hath sent such safe-conduct as they can desire.

R I P P O N, Octob. 8. 1640.

The answer of  
the Scotch  
Commis-  
sioners here-  
upon.

THE *Scottish* Commissioners being made acquainted with his Majesties purpose herein, expressed their minds fully and largely concerning that matter in these words:

‘Nothing is so greatly desired of us and those that sent us, as that this Treaty may begin timely and end happily ; this moved us in our last Proposition to desire to know what your Lordships did conceive to be a competency for the maintenance of our Army ? and now his Majesty being acquainted therewith, we desire to know his Majesties mind, that the Army being provided for in a competent manner, and so much being made known to those that sent us (according to the Instructions we have received from them, who make the maintenance of the Army previous to the Treaty) we may with all diligence shew them his Majesties pleasure, concerning the change of the place, and new power to us granted for concluding ; and as we are warranted to give this Answer, so shall we not conceal our own thoughts about all this matter of the maintenance of the Army, and altering of the Treaty to *York*, and enlarging of our power.

‘1. It is universally known that our Army was stayed in their march by his Majesties special command, without which they might before this time, either have been better provided or further advanced in their Petition and intention, and that in hope of Provision to be made this way, they are kept from taking such wayes and using such means as might serve for their necessary maintenance, which yet are not to lay any burden on the Nation, or good people of *England* ; (whose Weal and Happinels we do seek as our own, and with whom we have determined, as we have declared, to stand and fall) but our meaning is, that necessary allowance being denied to our Army, we take our selves to the Papists and Prelates with their Adherents our professed Enemies, and the unhappy

‘Instruments



'Instruments of all our trouble, Charges and hazard, these years  
'by-past, who therefore in all equity ought to suffer in the same  
'kind.

16 Caroli.

'2. We cannot conceal what danger may be apprehended in our  
'going to *York*, and surrendring our selves and others who may be  
'joynd with us, into the hands of an Army commanded by the  
'Lieutenant of *Ireland*, against whom as a chief Incendiary (ac-  
'cording to our Demands, which are the Subject of the Treaty it  
'self) we intend to insist as is expressed in our Remonstrance and  
'Declaration, who hath in the Parliament of *Ireland* proceeded  
'against us as Traitors and Rebels, (the best Titles his Lordship in  
'his common talk doth honour us with,) whose Commission is to  
'subdue and destroy us, and who by all means and upon all occasi-  
'ons desireth the breaking up of the Treaty of peace; the Army  
'being commanded also by divers Papists, who conceive our pacifi-  
'cation to be their ruine and dissolution; and when there be divers  
'Cowardly persons doing the worst office about his Majesty, and wait-  
'ing the occasion of expressing their malice and revenge against us,  
'and their own Nation.

'3. The whole power of the Committee of Parliament cannot  
'be transmitted unto us, and the want of power neither hath been,  
'nor needed it to be any hinderance to the speedy progress and  
'peaceable conclusion of the Treaty, since we have already in the  
'beginning of the Conference shewed your Lordships what is the  
'subject and substance of all our Demands.

The issue was, that his Majesty altered his former Resolution, and  
the Treaty was continued at *Rippon*.

The Treaty  
continued at  
*Rippon*.

**E**Dward Lord *Herbert*, commonly called the black Lord *Herbert*,  
unsatisfied with the *Scots* demands of 40000 l. *per mensem*, up-  
on the hearing thereof, first advised the King to fortifie *York*, and se-  
condly dissuaded his Majesty from yielding to that demand, and he  
alleged his reasons for both, &c. Touching his first Proposition  
he said;

The Lord  
*Herbert's* ad-  
vice to the  
King.

'1. First, That *Newcastle* being taken, it is necessary to fortifie  
'*York*, there being no other considerable place betwixt the *Scots* and  
'*London*, which might detain their Army from advancing forwards.

'2. Secondly, That reason of State having admitted Fortification  
'of our most Inland Towns against Weapons used in former times,  
'it may as well admit Fortification against the Weapons used in these  
'times.

3. Thirdly, That Towns have been observed alwayes averse to  
'Wars and Tumults, as subsisting by the peaceable wayes of Trade  
'and Traffick. Inasmuch that when either great persons for their  
'private Interests, or the Commons for their Grievances, have taken  
'Armes, Townsmen have been noted ever to continue in their ac-  
'customed Loyalty and Devotion.

'4. Fourthly,

An. 1640.

'4. Fourthly, That this agreeth with the custome of all other Countreys, there being no Town of the greatnes of *Tork* any where I know in Christendom that hath not his Bastions and Bulwarks.

'As for the Charges, the Townsmen of *Tork* might undertake that by his Majesties permission ; For since it is a Maxim of War, that every Town may Fortifie its circumference within the space of two months, the expences cannot be great,

'And for the manner of doing it, nothing else is needful, but that at the distance of every five and twenty score Paces round about the Town, the Walls should be thrown down, and certain Bastions or Bulwarks of Earth be erected by the advice of some good Engineer.

'For the performing whereof every Townsman might give his helping hand, digging and casting up earth only, where the said Engineer (according to a Line given) should appoint. And for Ordnance, Ammunition and a Magazin, the Townsmen likewise for their Security might be at the Charges thereof in these dangerous times ; It being better to imploy some money so to prevent the taking of the Town, than to run the hazard of being in that estate in which *Newcastle* men now are. I could add something concerning an ancient Law or Custome called *Murage*, by which money was raised for Fortifying of Inland Towns. But because I know not of what validity this Law or Custome is at this time, I shall referre the further Consideration thereof to the learned in our Antiquities.

'I will conclude therefore, with your Majesties good, favour for the Fortifying of *Tork*, as assuring my self that if for want of Fortification it fall into the *Scotchmens* hands, they will quickly Fortifie it as they have already done *Newcastle*.

His Lordship further spake concerning the second Particular.

'1. First, That Treaties are like thin airy things, and have no real being in themselves, but in the Imaginations of those who projected them, and might quickly dissolve and come to nothing ; And to give so great a sum of Money for the Treating only of a peace, might be loss both of the money, time, and many advantages.

'2. Secondly, That he never read that ever Prince bought a Treaty of his Subjects at so dear a rate ; but it is true, that Princes have bought Peace at a great price of their Subjects, and that they have thought it a good purchase, and found means at last to bring them to Reason.

'3. Thirdly, That it would reflect upon the Honour of his Majesty abroad, when Foreign Nations should hear of such an affront given to his Majesty and this Kingdom, that he could not find means to come to a Treaty with his Subjects for a peace, but by giving that money to defray the Charges of their Army, which should pay his.

'4. Fourthly, It is probable that the Citizens of *London*, when they should hear that any of their money was imployed that way, would detain the rest in their hands for defending themselves.

'5. Fifthly, If his Majesty would try whether they meant really a Treaty or Invasion, the Commissioners should move for disbanding the



'the Armies on both sides, all things else remaining in the state they  
'now are, until the Treaty were ended; Howsoever the 40000 l.  
'monthly should be kept rather for paying the Kings Army, and re-  
'inforcing it (if need were) than any other way whatsoever.

**T**HE Treaty produced little or no effect till the 16th of October,  
on which day these Articles were agreed upon for the mainte-  
nance of the Scots Army.

16 Carole.

Octob. 16.

1640.

Articles  
agreed on for  
the mainte-  
nance of the  
Scots Army.

1. First, That the Scotch Army now lying in the Counties of Nor-  
thumberland, Bishoprick of Durham, and Town of Newcastle, shall  
have for a competent maintenance the sum of 850 l. per diem, being  
the sum before agreed on by the Counties; and that the payment thereof  
shall begin upon the 16th of October, and to continue for two Months, in  
case the Treaty shall so long last; which payment to be made weekly upon the  
Friday of every Week, the first Friday being the twenty third day to be  
for the payment of the Week past.

2. The dayes of the returning of the Army to be numbred, within the  
dayes of the allowed maintenance.

3. That the Scotch Army shall content themselves with the aforesaid  
maintenance, and shall neither molest Papists, Prelates, nor their Adhe-  
rents, nor any other persons of whatsoever quality, during the time of  
payment, but shall keep themselves free of all other Taxes and Plundrings  
not only during their abode, but in their returns; and such security as is  
usual shall be given for the performance of the same, and this to be  
ordered upon the condition of the Treaty.

4. That the Inhabitants of the said Counties shall also have liberty,  
to return peaceably to their own dwellings, and shall be refused no Cour-  
tesy, it being alwayes presupposed that the fit Lodging of their Army shall  
be allowed.

5. That the Army be furnished with Coals in a Regular way, and not  
at the pleasure of the Souldiers, which is especially recommended to the  
care of the Scotch Commissioners.

6. That there be a provision of Forrage at the prices to be set down in a  
Table, which must also contain the particular prices of all sort of Victu-  
als, and other necessaries for the Army, to be indifferently agreed upon by  
persons nominated on both sides.

7. That the Sea-Ports be opened, and there be free Trade and Com-  
merce by Sea and Land, as in the time of peace; with this Proviso, that  
with the Victuals no Armes nor Ammunition be imported into New-  
castle, or any Harbour of England, and this Free Trade and Commerce  
to be presently intimated, and not to be interrupted, but upon the warning  
of three Months, that there may be a sufficient time allowed for Ships to  
return, and for the disposing of their Commodities.

8. That Victuals and other Necessaries for the Army be free of  
Custom; And that his Majesties Customs of Coals, and other Ware be  
left free to be levied by his own Officers.

9. That all restraints be removed, and that there be a freedom to fur-  
nish necessaries for both Armies, in such sort as is agreed on by the Ar-  
ticles, and liberty be granted for Milling, Brewing, Baking, and other  
things of that kind.

10. That the Arrears be compleatly paid to Octob. 16. and that such  
rents as are anticipate, and not yet due, be allowed in the Arrears.

D d d d d d d d

11. That

An. 1640.

11. That there be a Cessation of Armes according to the particulars to be agreed upon.

12. As for securing the Summ of 850 l. per diem above specified, there is a Committee appointed by the Great Council of the Peers, who have power to Treat with Northumberland, the Bishoprick of Durham, Newcastle, and (if need require) with other adjacent Counties, that there may be a real performance of what is agreed on by us : And for that we find many Difficulties of raising the Contribution out of the Counties of Northumberland, the Bishoprick, and Town of Newcastle, we have thought fit and necessary to add unto them the Counties of Cumberland and Westmerland, to assist towards the said Contribution according to their abilities.

13. And further, the Lords will before their going from York settle a Committee who shall have charge to see the Contribution orderly raised and paid ; and that there shall likewise be a Committee nominated of the Lords Commissioners, to whom either the Scotch Commissioners may address, or the Committees of the Countrey may Weekly give an Account of the carriage of the business. And that from thence there may further Order be given for the due performance of that which is promised. Signed

Bedford.  
Bristol.  
Holland.  
Berkshire.  
Ed. Mandevile.  
Ph. Wharton.  
Ro. Brook.  
J. Paulet.  
Ed. Howard.  
Fr. Dunfermore.

Dumfermling.  
Lowdon.  
Patrick Hepburne.  
W. Douglass.  
J. Smith.  
William Wedderbourn.  
Alex. Henderson.  
William Johnston.

The Committee appointed by the Estates of Parliament Resident at Newcastle approves the within and above-written Articles.

Roths.  
Louthian.  
Balmerino.  
Napier.

William Riccarton.  
Tho. Hope.  
Gibson Dury.  
J. Sword.

The Scottish Commissioners were not satisfied with the Security tendred them for the Raising of the said Provision, which they expressed in the ensuing Paper to the English Lords, who imparted it to his Majesty.

A Paper of the Scotch Commissioners to the English Lords about the Security for raising their Provision.

WE make no question of the abilities of the prime Gentlemen of the County, and will not doubt but your Lordships have made them willing ; Yet now after the delays of so many dayes, from the first to the 19th of this Month, and after the so often acknowledged necessity of the orderly provision of Maintenance, during the time of the Treaty, and our confident expectation thereof, We are sorry that your Lordships have not (according to the profession



profession of the Will and power of those Gentlemen) given unto us a real security, that we might have entred with your Lordships upon the Treaty, but that the performance of the Security is still suspended.

Divers other demands, as Free Trade by Sea and Land, and other particulars contained in our last Papers, the satisfaction whereof was also necessary before the Treaty, are not at all touched by your Lordships in your Answer.

Concerning the Diminution of the Army propounded by your Lordships, we have received no Instructions, neither shall it be necessary upon the reasons expressed, because competent Maintenance being secured, and the Seas opened, the Army we trust shall be easily kept in order; And for removing Jealousies and Doubts, we have made large Declarations, and given real proofs, wishing in like manner that no cause of suspicion be given unto us by such Propositions, seconding the bitter Speeches of some Incendiaries who Command in his Majesties Army.

We therefore earnestly intreat your Lordships to let us know at last what may be expected, at what time the promised Security shall be performed, and our previous demands satisfied, that we may have some certainty to shew to those who sent us, and who upon your Lordships Declaration do wait for it from us, and that we may proceed to the Treaty.

In conclusion that difference was accorded.

Remembrances for the English Lords Commissioners, to put them in mind of such things as have fallen in debate about the demands of the Scots, for the maintenance of their Army during the Treaty.

1. THE first thing they are to endeavour is a present Cessation of Armes.

2. They are by all honourable, safe and convenient means to find out some wayes for the relieving the Counties of *Northumberland* and Bishoprick of *Durham* from the hard condition in which they now are.

3. For the better effecting whereof, they are to consider how *Barnwick* and *Carlisle* may be victualled out of *Scotland*, and the Army at *Newcastle* in proportion, if victualled out of *England*.

4. They are also for this purpose to take into consideration the opening of a free passage and Trade between *Scotland* and *Newcastle* by *Land* and *Sea*, whereby the Army there may be better Victualled from *Scotland*.

5. If besides the former means, there be urgent necessity, they are to take into consideration, what other adjacent Counties shall Contribute, in what proportion, and in what manner.

6. They are to remember the great detriment his Majesty hath sustained in his Revenue, by hindring the trade of *Coals*, to make what use they can thereof by lessening the Contribution.

16 Caroli.



Remembrances for the English Commissioners.

An. 1640.

'7. They are to take into Consideration the Lessening of both  
'Armes.

'8. They are to take further care, that upon the lessening or diminishing the Armies, or otherwise there be no plundering of the  
'Country, and that security be given for that purpose.

'9. They are by all possible means, to hasten the *Treaty*, and that  
'there be no unnecessary delay therein.

'10. For the better Encouragement of such Counties as their  
'Lordships shall think fit to move to a *Contribution*, they are to declare unto them, That his Majesty and the Lords of the Great Council will recommend to the *Parliament*, as well the great Losses they  
'have sustained, as the charge they have or shall be at for the good  
'and safety of the rest of the Kingdom.

These Remembrances not to be Concluding, but any other way  
to be taken that the Commissioners shall think fit.

*The Lords Answer to the Scots concerning the Maintenance of  
their Army.*

The English  
Commissioners  
Answer to the Scots  
concerning  
the maintenance  
of their  
Army.

'First, Concerning the 850 *l. per diem*, we find it to be the ut-  
'most the Country can bear; And it is a Contribution fit for an  
'Army only for safety and security, especially where any other means  
'by lessening the King's Army or otherwise, is offered to remove all  
'doubts and jealousies, so that you may make your Army suitable to  
'the means of maintaining it: besides to give any greater allowance  
'whereby a greater Army shall be sustained, will cause a greater *dis-*  
'trust and apprehension in the whole Kingdom of *England*, and there-  
'fore we do adhere to our former proposition.

'As for allowance of *Coals* or Forrage, if any thing be left to the  
'Soldiers discretion were to leave things to great uncertainty and oc-  
'casions of difference, but for money at reasonable prices agreed up-  
'on, the Army is to be provided.

'Concerning the day of payment to be the *first of October*, we have  
'already endeavoured to settle with the Counties for the payment  
'of *two months*, from the 16th of *October*, and it would overthrow  
'our former endeavours.

'Further, it is to be conceived no way prejudicial to the *Scotch*  
'Army, since the same sum of 850 *l. per diem*, is to be made good  
'unto them upon the *arrears*, even unto this day. For the opening  
'of the Ports, his Majesty is pleased to give way unto it, it being al-  
'ways to be understood that no Armes or Ammunition be im-  
'ported.

'As for the dayes of returning the Army it is to be numbred within  
'the dayes of Contribution; it is fit that the security of payment be  
'settled in all particulars.

'Whereas your Lordships propounded as a competency for the  
'maintenance of an Army 30000 *l. per mensem* at 30 dayes the  
'month, we leave unto your Lordships as a fitting competency, as  
'we conceive, the continuance of those *contributions*, which have been  
'formerly settled by the County of *Northumberland* and the Bi-  
'shoprick



‘ Shoprick of *Durham*, and the Town of *Newcastle*, amounting to the  
 ‘ sum of 850. l. *per diem*, but so as for the raising of the said sum  
 ‘ of the Bishoprick, *Dean* and *Chapter*, *Clergie* and *Papists*, shall be no  
 ‘ otherwise Charged or Taxed, but by the ordinary way of Levying of  
 ‘ the said Contribution ; and that the said *Scotch* Army in respect of  
 ‘ the said 850 l. *per diem*, forbear to take any exaction, tax, Provision or  
 ‘ *Forrage* whatsoever from the said Counties, or any other place; as like-  
 ‘ wise leave Free to his *Majesty* and all other the Customes of Coals, and  
 ‘ all other, the true meaning being that for all pretences and demands  
 ‘ whatsoever, the said *Scotch* Army shall be fully satisfied, with the  
 ‘ payment of the said 850 l. *per diem*, and that the *Bishop* and other  
 ‘ *Clergy* men, and all other inhabitants of the *Bishoprick* and *Northum-*  
 ‘ *berland*, return unto their dwellings, and to enjoy their own, without  
 ‘ any molestation; and in regard of the said Contributions paid by  
 ‘ these Counties, the said *Scottish* Army is to give security, that both  
 ‘ whilst they stay, and likewise when they shall disband or march  
 ‘ back with their Army, they shall keep and save the said Counties  
 ‘ from all spoil and plundering, and that upon settling and perfecting  
 ‘ the payment and contribution, there be presently declared on both  
 ‘ sides *cessation of Armes* and certain limits and bounds, which neither  
 ‘ side shall pass in hostile manner; and for securing of the said pay-  
 ‘ ments all reasonable satisfaction shall be given them, and the said  
 ‘ payments to begin from the 16th of *October*, 1640. and to conti-  
 ‘ nue for the space of *two months*, if the Treaty shall so long last, and  
 ‘ be paid weekly *parata*; and so soon as this accommodation for the  
 ‘ maintenance of the *Scotch* Army, shall be settled and signed by the  
 ‘ Commissioners on both sides, there shall be a present Entry upon  
 ‘ the *Treaty*.

16 Caroli.

The Scots Reply to the Lords Answer, Concerning the Main-  
 tenance of the Army.

‘ AS with all due respect we acknowledge the benefit of the  
 ‘ *A* condescending to the Maintenance of our Army, are glad that  
 ‘ your Lordships have begun to think on the competency, we represent  
 ‘ that neither the 850 l. *per diem* which those Countreys were moved  
 ‘ to grant, nor the thirty thousand pounds moved by us, were con-  
 ‘ ceived by us to be a full maintenance, the one being so much as we  
 ‘ could with the consent of the Countrey obtain, and the other join-  
 ‘ ed with all other supplies that can be made by our selves being  
 ‘ reckoned, is not a competency, and therefore left contrary to our  
 ‘ hopes, the Army be put on worse condition than before the Treaty,  
 ‘ we desire your Lordships to consider that besides the 850 l. *per diem*,  
 ‘ they had the time past the benefit of the Customes and provision of  
 ‘ *Coals*, and of such proportion of *Forrage*; We indeed desire that  
 ‘ his Majesties Customes may be left free, but we hope your Lord-  
 ‘ ships will think on some supply of that want, and will also provide  
 ‘ that the Army be still furnished with *Coals* and other necessary *For-*  
 ‘ *rage*. We do not deny the difference to be wide between the for-  
 ‘ mer Loan and allowed maintenance, but touching the point of pre-  
 ‘ sent provision of the *Army*, which in case of necessity is principally  
 ‘ and

The Scots Re-  
 ply.

An. 1640.

‘and above all considerations to be looked into by us, the inequality  
 ‘betwixt that which we had, and which is now allowed, is very con-  
 ‘siderable; when competency shall be condescended unto, we shall  
 ‘content our selves therewith, and neither molest *Papists*, or *Prelates*,  
 ‘or their adherents, during the time of the payment of the mainte-  
 ‘nance; and as it was grievous unto us, that the *inhabitants* of *Newcastle*  
 ‘or any other whatsoever should have left their dwellings, so shall we  
 ‘be glad of their *return*, and will refuse them no kindness or courte-  
 ‘sies, which can stand with the accommodation of the Army; we  
 ‘also promise what security is usual in like cases, that during the  
 ‘aboad of the Army, and in their return, none of these Counties  
 ‘shall be plundered or spoiled, but so far as is possible, be saved from  
 ‘all harm and damage; and withal it is supposed, that the dayes of  
 ‘our return be numbred within the compass of the time of our al-  
 ‘lowed maintenance; concerning the Cessation of Armes, and the  
 ‘limits of both Armies, we heartily agree unto both.

‘It is declared that the security of payment promised by your  
 ‘Lordships be condescended in all particulars, that the payment of the  
 ‘maintenance to be agreed upon begin the *first of October* and continue  
 ‘during the Treaty, until our peace be secured by Parliament; and  
 ‘that the said payment be made *weekly*; that all arrearages which are  
 ‘resting unpaid, preceding the first of *October* of the allowed main-  
 ‘tenance, be agreed upon.

‘That there be free trade by *Sea* and *Land* as in time of peace, and  
 ‘that Victuals and other necessaries for the Army be free of Custome,  
 ‘that all restraints be moved and the Subjects of the Countrey made  
 ‘free to furnish us with necessaries for our Army, and also all sorts of  
 ‘Commerce allowed and liberties granted of *milling*, *brewing*, *baking*  
 ‘and other things of that kind.

‘That the outrage or eruption of any *Souldier* be not accounted a  
 ‘breach of the Cessation, but that the Losses be repaired and the de-  
 ‘linquent punished.

‘So soon as the maintenance shall be settled and secured, we shall  
 ‘be most willing to enter upon the Treaty it self.

‘Our constant desires against all suspicions and jealousies, to obtain  
 ‘our own *demands*, and to have a firm and well-grounded *peace* con-  
 ‘cluded. And for the end the *Treaty* may be continued, and our  
 ‘hopes of supply by opening of the *Sea-Ports* and freedom of Trade  
 ‘by Sea and Land, doth so far prevail with us, that we resolve ra-  
 ‘ther to burthen our selves with a great part of the maintenance,  
 ‘and to accept of the 850 *l. per diem*, than that the Treaty should be  
 ‘broken up, and the dangerous consequences to both Kingdoms  
 ‘should follow, which we earnestly desire for our parts to prevent.

‘Although the beginning of the payment the first of *October*, hath  
 ‘been still pressed and expected by us, and transferring thereof to the  
 ‘16th of *October*, importeth no small prejudice; yet lest in any point  
 ‘we should cross your Lordships Laudible endeavours already taken  
 ‘for the settling of the payment of the *Biruns*, and sufficient security  
 ‘for afterwards, we receive also the conditions.

‘And as we desire there be no need of new Armes and Ammunition,  
 ‘on, so do we not crave liberty that any should be imported during the  
 ‘the Treaty; in this point we are satisfied with the liberties of Trade  
 ‘and Commerce by Sea and Land, as in the time of peace, which  
 ‘may



may be profitable to both Kingdoms, and prejudicial to neither of us.

' Since both desire and have accorded, that the *Security* be settled in the particulars, and signed before we entered upon the demands, it were fit we should now agree upon all the particulars of the security that there be no more question about it.

' We desire also your Lordships answer to such particulars as is expressed in our payment given in yester-night, which are not yet answered; and that the point of *Cessation*, the Limits to be offered to both Armies, and the matter of *Coal and Forrage* may be made so plain and clear, that there be no misunderstanding.

Rippon, Octob. 17. 1640.

*A Letter to the Gentlemen and Free-holders of the County of Northumberland for their relief.*

**A**fter our hearty Commendations unto you, His Majesty and the Great Council of Peers now assembled, much commiserating the great Losses which your County hath sustained by the Scottish Army, and the utter plundering thereof which would in all probability follow, unless some present Remedy be taken for preventing of the same, commended it to the care of the Lord Commissioners remaining at Rippon, that some course might be taken for your Relief; who finding no other better way, thought fit, That all you of the said County should continue your former Contributions of Three Hundred Pounds per diem; which if you shall cheerfully and readily do, the said Lords will so agree with the Scottish Commissioners, that you may be free in your Persons, and safe in your Estates, during the continuance of that Contribution. And you shall likewise be recommended by his Majesty and this Great Council to the now approaching Parliament, that you may have Reparation made you, not only for such Contributions as now you shall agree unto, but for your former Contributions, and other losses sustained by you from the Scottish Army. And since the Gentlemen here attending this Business for your County, would not conclude you without your own Consents, We have thought fit, to let you receive from them the Advice and Direction of this Great Council, which for your own good and safety, We recommend unto you, and wish you to listen unto, that greater inconveniences fall not upon you. And so We bid you heartily farewell, and rest

Your loving friends,

York, October 19. 1640.

J. Finch,  
Strange,  
Mowbray,

Matrevers,  
Clifford.

About the same time the Lords of the Great Council at York sent another Letter to the Lord Mayor, Aldermen and Communalty of the City of London, viz.

A

16 Caroli.

Octob. 19.  
1640.

A Letter to  
the Gentle-  
men and  
Free-holders  
of Northumber-  
land.

An. 1640.

Ymk Octob. 19  
A second  
Letter to the  
Lord Mayor  
of London.

A second Letter to the Lord Mayor of London, Octob. 19.

**A**fter our hearty Commendations to your Lordship and the rest; By our Letters of the twenty fifth of September last, and by those Lords which were the Bearers of them, We made known unto you, in what condition the Countie of Northumberland and the Bishoprick of Durham stood, and how much it concerned the adjacent Counties, and in consequence the whole Kingdom, that his Majesty should continue his Forces together, till by the happy success of the present Treaty, or the great Wisdom of the Parliament, some course might be taken for a firm Peace or just War: Being satisfied that his Majesty was altogether unprovided of Money, for keeping of his Forces together, till the Parliament might have time to settle a Course therein agreeable to their Wisdoms. And having all refused, That it was necessary for his Majesty to be supplied with the sum of Two Hundred Thousand Pounds, as well for continuing his Forces together, as for orderly dismissing of them, when it should be fit so to do; We made it our hearty and affectionate request unto you, that you would not at this time be wanting to assist his Majesty, and oblige the whole Kingdom by lending that sum: for which we then offered (as we still do, and shall be ever ready to perform) to joyn with his Majesty in any such Security, as should be agreed upon by those Lords and your selves. We then gave you our Reasons and Opinions, how much it imported the publick preservation both of King and Kingdom, assuring our selves, that the consideration thereof, with your own affections and love of the publick, would incline you, to lend willing ears to our Requests, wherein we find we have not been deceived; your cheerfulness and forwardness herein, having been represented unto us by those Lords that came unto you from this Great Council, for which we give your Lordship and the whole City very hearty thanks; his Majesty making every day his Grace and Goodness so appear unto us, that we cannot but take infinite comfort in the knowledge and confidence of his gracious Resolutions, of which we doubt not, but you and the whole Kingdom will very quickly find the comfortable and happy effects. We are now in a hopeful way of making this Treaty successful to the Content of both Kingdoms. But in affairs of so great weight and importance, time and mature deliberation are requisite, lest by precipitate Counsels, the danger might be increased, instead of being prevented: so as we cannot yet find any reason, to advise the disbanding his Majesties Forces; especially since by the Wisdom of the Lords Commissioners deputed by his Majesty and this Great Council to treat with those of Scotland, care is taken for relieving the Counties of Northumberland and the Bishoprick of Durham, by a Contribution to the Scots Army, during the Treaty; that so by a present Cessation of Arms, those greater Inconveniencies may be avoided, which otherwise would light upon his Majesties Subjects in those parts. And as the keeping together of his Majesties Forces till those of Scotland disband, cannot but facilitate and advance the Treaty; so it were dishonourable and unsafe, that his Majesties Army should not in the mean time be well provided for: therefore we once again earnestly and heartily pray you, as you tender the publick good and safety, to make all possible speed in supplying his Majesty presently with the remainder of the Two Hundred Thousand Pounds, that it be not useless to his Majesty and the Kingdom, by the too late furnishing of it. For should his Ma-

jesty



jesty for lack of means to pay his Army, be inforced to dissolve it, the whole Kingdom would be in apparent and eminent danger. The care of preventing this publick Danger, wherein we are all so deeply concerned, hath been the Cause of these our second Letters, that you might truly understand the necessity of your speedy aid and assistance. By those Lords which we sent unto you with our first Letters, we gave you notice of those dayes of payment, which his Majesties Occasions did require, which were the 12th of this Month for Fifty Thousand Pounds, the 15th of November for One Hundred Thousand Pounds, and the first of December for the last Fifty Thousand Pounds. And upon consideration of the State of his Majesties Army, we plainly foresee, That if you should fail his Majesty, and our very earnest desires herein, it would be impossible for his Majesty to hold his Forces together; which we all with one heart earnestly wish and advise his Majesty should do. And cannot but again and again very affectionately commend the same to your Loves and Care. And so we bid you heartily farewell, and rest

16 Caroli.

Your very loving friends.

York, October 19. 1640.

To our very Loving Friends, the Lord Mayor, the Aldermen and Commonalty of the City of London.

May it please your Majesty,

**W**E have thought it fit to give your Majesty a perfect Account of the Estate of your affairs at this present, which we conceive will best be done, by transmitting unto your Majesty the Papers themselves, which go herein inclosed; your Majesty will see, that the Scotch Commissioners are not fully and finally satisfied with the Security which we have been yet able to propound unto them for the raising of the Eight Hundred and Fifty Pounds a day, which was the Contribution formerly settled by the Countrey with them. But finding that they are very clearly dealt withal, and that all possible endeavours are used for their satisfaction in this point, they think it fit to represent the true State of the business to those of Newcastle; and in the interim, although their Instructions be, not to enter into the main Treaty, until the Competency for the maintenance of their Army be fully secured; yet for the beginning of time, they are contented to enter upon a debate of their Demands, and so to prepare them, that they may be in a readiness for a conclusion when they shall receive power; and this day (God willing) we shall give a beginning unto that work. But we entering into a due consideration of the multitude of the Articles to be treated of, and of the intricacy and difficulty of many of them, and likewise, that divers of the said Articles cannot be settled before the Parliament, the time whereof approacheth so fast, that there will be few dayes left to be employed in the settling of this Treaty, before there will be a necessity for us to undertake our Journey towards the Parliament, we have holden it our Duties to represent this straitness of time unto your Majesty, and with it our most humble Opinion, that as you were formerly pleased, that this Treaty might have been transferred from Rippon to York; so you will be now pleased, that it be transferred from hence to London, without breaking or dissolving of the Treaty; and that you would be pleased to give us Power to treat and settle the said

The Lords Commissioners to the King to transfer the Treaty to London.

Eeeeeeee

Removal

An. 1640. Removal with the Scotch Commissioners. All which we must humbly submit to your Majesties great Wisdom.

One thing further we presume to represent unto your Majesty, which is the present opening of the Ports; being a thing as much desired by your Majesties Subjects of England, as by the Scots. And that it is already agreed by the Articles of the Cessation, and likewise assented unto by your Majesty by the Advice of the Peers, that both the Ports and Trade by Sea and Land might be set free upon the first entrance into the Treaty. Many other Reasons there are, especially concerning the Coal, which are represented unto us, both for the benefit of London and the whole Kingdom; by which it is made apparent unto us, that much more disadvantage would redound unto your Majesties good Subjects, than to the Scots, if any such stop of Trade should be continued. God have your Majesty in his holy keeping.

Your Majesties most humble and most obedient Subjects.

Rippon, Octob. 21. 1640.

All the Sixteen Commissioners signed this Letter.

To the King most Excellent Majesty.

To this Letter of the Commissioners the King commanded the Lord Keeper to write an Answer as followeth:

My very good Lords,

The Kings  
Answer.

**H**IS Majesty calling this Day the Great Council, was pleased to acquaint them with those Papers your Lordships sent, together with a Letter to his Majesty from your selves. Upon some Debate had, his Majesty and my Lords commanded me to write thus much to your Lordships, that they held it most necessary, that a Cessation of Arms be absolutely concluded and agreed on before his Majesty or your Lordships depart hence. Upon which Cessation, and not before, the Ports to be opened, and free Trade permitted: but not for bringing in of Ammunition to Newcastle, as your Lordships may remember, was alwayes insisted upon. Their Lordships are likewise of opinion, that your Lordships should endeavour to procure the Scottish Commissioners presently to clear their demands, by delivering the particulars thereof in writing to your Lordships, and explaining them, so as it may be fully understood what it is they expect; and especially in point of Satisfaction for their Costs and Damages. This his Majesty and the Lords believe will be a very easie work, and take but little time, since it is in effect offered by the Scottish Commissioners in one of their Papers dated the twentieth of this Month. This done, his Majesty and my Lords will take into consideration, the adjourning the Treaty to London, and let your Lordships receive his Majesties pleasure therein. I rest

Your Lordships most humble and affectionate servant,

York, Octob. 21. 1640.

Jo. Finch, C. S.

To



To the Lord Keeper, October 23.

Our very good Lord,

**W**E have received your Lordships Letter, and give your Lordship many thanks for your Care in giving us so speedy an Answer; we have now sent our humble Advice to his Majesty, that we all conceive it most conducing to his Majesties service, that the Treaty be transferred to London: and do humbly beseech his Majesty, that we may receive power and directions to treat and settle with the Scots all particulars belonging to the same. We do intreat your Lordship, to afford your Assistance for the expediting of this Dispatch; for if it be delayed, we shall not well be able to reach York to morrow night; which would fall out very prejudicial to us in point of time for our Journey to London. Thus we commit your Lordship to the protection of the Almighty, and rest

The Lords Commissioners Letter to the Lord Keeper.

Your Lordships friends and servants.

Rippon, Octob. 23. 1640.

Signed by all the Lords Commissioners.

CHARLES REX.

**R**ight Trusty and right well beloved Consins and Counsellours of our Great Council, and right Trusty and well beloved Counsellors of our said Great Council, We greet you well. Whereas We have received your unanimous Advice, That it will most conduce to Our service, that the present Treaty with our Subjects of Scotland, be transferred from Rippon to London, We are so confident as well of your judgements and discretions, as of your fidelity to Our service, That we cannot but condescend thereunto. And do therefore hereby give you or any Ten or more of you, full power and authority to treat and settle with our said Subjects of Scotland, all particulars belonging to the said Removal. For which this shall be your sufficient Warrant. Given at our Court at York this Three and Twentieth day of October in the Sixteenth Year of our Reign.

The Treaty transferred to London.

**T**He time of Meeting for the Parliament approaching, his Majesties Commissioners concluded to adjourn the Treaty from Rippon to that City, and sent the Powers and Directions to that purpose signed with his own hand to the said Lords, by which he empowered any Ten or more of them, to treat and settle with his Subjects of Scotland all particulars concerning the said Removal: his Majesty leaving the Circumstances to their Lordships Wifdoms; only he recommended two things to their Care. First, The settling the Cessation of Arms: and Secondly, The procuring from the Scottish Commissioners, as full and clear a setting forth of their Demands as possibly they could.

An. 1640.

**I**N the meantime his Majesty did deliberate about the increase of his Forces at *Stockton* Castle, a place of great importance, situate on the River of *Tees* the Border of the *Bishoprick* and *Yorkshire*, in regard the *Scots* had brought in more men to *Newcastle*, and placed more at *Durham*, than were at the beginning of the Treaty. However to avoid all suspicion and jealousy, his Majesty was pleased to wave those intentions.

Upon the twentieth of *October* a Cessation of Arms was agreed on by both parties upon these Articles.

*Articles agreed on concerning the Cessation of Arms, betwixt the English and Scottish Commissioners at Rippon the twenty sixth day of October 1640.*

Cessation of  
Arms agreed  
on, *Octob. 26.*

1. **T**Hat there be a Cessation of Arms both by Sea and Land from this present.

2. That all Acts of Hostility do henceforth cease.

3. That both parties shall peaceably retain, during the Treaty, whatsoever they possess at the time of the Cessation.

4. That all such persons who live in any of his Majesties Forts beyond the River of *Tees*, shall not exempt their Lands which lye within the Counties of *Northumberland* and the *Bishoprick* from such Contribution, as shall be laid upon them for the payment of the 850 *l.* a day.

5. That none of the Kings Forces upon the other side of *Tees*, shall give any impediment to such Contributions, as are already allowed for the Competency of the *Scotch* Army, and shall take no Victuals out of the bounds, except that which the Inhabitants and Owners thereof shall bring voluntarily to them: And that any restraint or detention of Victuals, Cattle and Forrage which shall be made by the *Scots* within those bounds for their better maintenance, shall be no breach.

6. That no Recruits shall be brought unto either Army from the time of the Cessation, and during the Treaty.

7. That the Contribution of 850 *l.* a day, shall be only raised out of the Counties of *Northumberland*, the *Bishoprick*, Town of *Newcastle*, *Cumberland* and *Westmorland*; and that the not payment thereof shall be no breach of the Treaty; but the Counties and Town so failing, it shall be left to the *Scotch* power to raise the same, but not to exceed the sum agreed upon, unless it be for the charges of driving to be set by the Commissioners of the Forrage.

8. That the River of *Tees* shall be the bounds of both Armies, excepting alwayes the Town and Castle of *Stockton*, and the Village of *Eggscliffe*: And that the Counties of *Northumberland* and the *Bishoprick* of *Durham* be the Limits, within the which the *Scottish* Army is to reside; saving alwayes Liberty for them to send such Convoyes, as shall be necessary for the gathering up only of the Contributions which shall be unpaid by the Counties of *Westmorland* and *Cumberland*.

9. If



'9. If any persons commit any private Insolencies, it shall be no breach of the Treaty, if (upon Complaint made by either party) reparation and punishment be granted.

'10. If Victuals be desired upon that price which shall be agreed upon, and ready Money offered for the same, and refused; it shall be no breach of the Cessation, to take such Victuals, paying such price.

'11. No new Fortifications to be made during the Treaty, against either party.

'12. That the Subjects of both Kingdoms, may in their Trade and Commerce freely pass to and fro, without any Pass at all; but that it be particularly provided, that no member of either Army shall pass without a formal Pass under the hand of the General, or of him that commandeth in Chief.

*Bedford.*

*Bristol.*

*Holland.*

*Berkshire.*

*Ed. Mandevile.*

*Ph. Wharton.*

*Ro. Brook.*

*J. Paulett.*

*Ed. Howard.*

*F. Dunsmore.*

*Dunfermeling.*

*Lowdon.*

*Patrick Hepburne.*

*William Douglass.*

*J. Smith.*

*Willam Wedderburn.*

*Alex. Henderson.*

*William Johnstown.*

### At Newcastle.

**T**He Committee appointed by the Estates of Parliament resident at *Newcastle* do approve the within written Articles.

*Roths.*

*Lovthian.*

*Balmerino.*

*Napier.*

*W. Riccartown.*

*Tho. Hope.*

*Gibson Durie.*

*Ja. S. vord.*

*The Reasons of the Lord Commissioners for giving of their Advice to his Majesty for the Confirmation of the Treaty at Rippon, the 17th day of October 1640.*

'**O**N the twenty seventh of *October* the Lords Commissioners returned to *York*, and in the Afternoon waited upon the King in his Great Council of the Peers. The Earl of *Bristol* by direction of the Lords, gave a short account of the proceedings in the Treaty. And then were read both the Articles for the Cessation of Arms, and the Articles of easing of the Counties under the *Scottish* power, and for a Competency for the Maintenance of the *Scottish* Army during the Treaty. After the Narration and Examination of some particular Articles, It was declared by his Majesty and the Peers then present, That the Commissioners

The Commissioners reasons for their advice to his Majesty to confirm the Treaty.

had

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'had in all things proceeded punctually according to their Instructions.

'**H**is Majesty then demanded of the Lords, Whether they would counsel him to confirm the said Treaty, and required them, that they would therein give their Advice. Whereunto it was replied in the name of the Commissioners, that as they had served his Majesty in this Treaty with exact fidelity, so in their Advice and Counsels they would be glad to serve him according to their Consciences: the first being an Act of pure Obedience, the other of their Judgements and Opinions. And therefore they humbly besought his Majesty, that they might retire and conferr among themselves: Which his Majesty was graciously pleased to assent unto. Upon their debating and weighing of the particulars of the said Treaty, they found that it could not but be held derogatory to the honour of the King and Kingdom, to treat at all with Subjects, and such as had already actually possessed themselves of several Provinces of this Kingdom. They found likewise many of the Articles unfit to have been condescended unto by any Army, that had been but in a probable condition of defence. They therefore thought it not fit for them, absolutely to give the King any such advice, unless they might jointly with it obtain his Majesties leave, to make unto him a Declaration of such Reasons and Motives, as induced them to give the said Advice; which being assented unto by his Majesty, they caused a short Declaration to be read, to the effect of that which followeth.

'That they must crave his Majesties leave, to reduce into his Memory, those Reasons and Motives, which first induced the Lords of the Great Council to advise his Majesty to admit of a Treaty, then of a Cessation of Arms, and lastly of a Competency towards the maintenance of the *Scottish* Army, thereby to save the Countreys under the the *Scotch* power from plundering. For that the same Motives, which had produced the former unanimous Counsel of the Peers, were likewise now to be the grounds of their present advice, which they held fit to be set down by way of Declaration; for the better Justifying of this their advice, both towards his Majesty, and towards the World.

'They then declared, that at the first assembling of the Great Council, his Majesty propounded two things unto them; the one, How his Majesties own Army might be held together, until it might be helped by those Supplies which were hoped for by Parliament? The Peers with great alacrity and affection fell presently into debate, how a considerable Supply might speedily be raised. And conceiving no means so effectual, as by a Loan of *Two Hundred Thousand Pounds* by the City of *London*; they cheerfully and unanimously offered their Security by Bond, to be joyned with such as should be offered on his Majesties behalf, if need should so require. And to that effect they wrote their Letters to the Mayor and Citizens of *London*, and dispatched away divers of the Peers, to solicit and take care of the said Loan.

'The second Proposition made by his Majesty was, What answer he should give unto the *Scots*, and in what way he should treat with them?



‘them ? having formerly promised an Answer to their Petition  
‘presently upon the meeting of the Great Council. Hereunto the  
‘Peers made answer, that they could not well give any advice here-  
‘in, without a perfect information of the State of his Majesties Af-  
‘fairs, and the present condition of his Army ; which points falling  
‘then naturally under debate, it was upon examination found, that  
‘the *Scotch* Army had passed the River of *Tyne* ; and that upon dispu-  
‘ting the passage at *Newburn*, our Horse were put to the worst, and  
‘had retired in disorder. That his Majesties Army of Foot then in  
‘*Newcastle*, had likewise retired from thence unto *York* ; whereby  
‘that Town fell the next day into the hands of the *Scots* without re-  
‘sistance : so likewise did the whole Countries of *Northumberland* and  
‘the *Bishoprick* ; which were presently drawn into Contribution,  
‘*Newcastle* paying *Two Hundred Pounds per diem* ; *Northumberland*  
‘*Three Hundred Pounds*, and the *Bishoprick Three Hundred and Fifty*.  
‘And it was declared by Mr. Secretary *Vane*, that these Contributi-  
‘ons were not condescended unto by the Countreys, until they were  
‘put out of all hope of Protection by the Kings Forces. For he de-  
‘livered it in the Great Council, that the chief Gentlemen of the  
‘*Bishoprick* addressing themselves unto him, he carryed them to his  
‘Majesty, who was pleased to referr them to the Lord Lieutenant ;  
‘who positively declared unto them, that they could not expect any  
‘relief from his Majesty ; and therefore left them to make the best  
‘Conditions they could for themselves and their Estates.

‘The Lord Lieutenant likewise declared in the Great Council,  
‘That it was not possible to keep the Counties of *Cumberland* and  
‘*Westmorland* out of the *Scottish* power, whensoever they should  
‘endeavour to take them in : And for the Town of *Newcastle*, he  
‘said it was not to be gotten out of the *Scots* hands this Winter, al-  
‘though his Majesty had an Army of One Hundred Thousand Men.  
‘He further declared, That ( unless it were by the Difficulties of  
‘an Army to march in Winter ) the *Scotch* Army could not be hin-  
‘dered from passing forwards into *England* ; for that the Passages of  
‘the River of *Tees*, which is the Boundary of *Yorkshire*, was not to  
‘be defended, being in many places fordable by Forty Horses in Front ;  
‘neither could the said Army be kept from marching up unto *York*,  
‘without the adventuring to give them Battle ; which his Lordship  
‘said he would not advise : neither conceives he his Majesties Army  
‘for the present, to be in a fitting posture to fight. For although it  
‘consisted of a considerable number, and very good bodies of men ;  
‘yet, for want of use of their Arms, he held it not fit to rely upon  
‘them, especially where so much was to be hazarded, and so little  
‘to be gained.

‘Upon these grounds, the Great Council formerly gave their  
‘Advice unto his Majesty for the Treaty concerning a Cessation of  
‘Arms, and easing of the Counties under the *Scotch* power, by settling  
‘a Competency by agreement. And upon the same grounds, the  
‘Commissioners ( finding no Cause by any Alteration in his Maje-  
‘sties affairs for the better, but rather some doubts and uncertainties  
‘about the Supplies from the City of *London* ( as was publickly de-  
‘clared unto the Great Council of the Peers ) and that there was  
‘not means for the payment of the Army for one Fortnight longer )  
‘the said Commissioners upon these grounds, ( as likewise, there  
‘being

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'being no reason to question his Majesties powers granted unto them  
'under the Great Seal of *England*, by which they had treated and  
'concluded the Articles by them signed, did give their Advice to his  
'Majesty, to Confirm the said Articles, and all that had been signed  
'and condescended unto by the said Commissioners; conceiving it  
'to be great Wildom in a Prince (in cases of Necessity) to dispense  
'with the strict rules of Honour, for the safety and preservation of  
'his Estate and people.

'And upon the same reasons, the rest of the Peers there present,  
'concurred in their Advices unto his Majesty. And thereupon his  
'Majesty was pleased the same day, in the presence of the said Great  
'Council, to confirm under his Hand and Signet, all that had passed  
'and been agreed upon betwixt his Majesties Commissioners and the  
'Commissioners of the *Scotch Army*.

A Plot discovered by the  
Arch-Bishop  
of *Canterbury*  
to the King.

WHILEST the King was at *York* in the Month of *September*, the  
Arch-Bishop of *Cant.* thought fit to acquaint his Majesty  
by Letter of a great Plot and Design tending to the destruction of  
his Majesty and Protestant Religion; which being a thing of great  
concern, the Author thinks fit to communicate the same as it is con-  
firmed by the Arch-Bishop of *Canterbury*'s own Hand-writing.

Here followeth Sir *William Boswell*'s first Letter, which he sent to  
the Arch-Bishop of *Canterbury* concerning the Plot.

### Sir *William Boswell*'s first Letter to the Arch-Bishop of *Can- terbury* concerning the Plot.

May it please your Grace,

Sir *William  
Boswell*'s first  
Letter to the  
Arch-Bishop  
of *Canterbury*  
concerning  
the Plot.

THE offers (whereof your Grace will find a Copy) here enclosed to-  
wards a further and more particular Discovery, were first made unto  
me at the second hand, and in speech, by a friend of good Quality and  
worth in this place; but soon after (as soon as they could be put into  
order) were avowed by the Principal Party; and delivered me in Wri-  
ting by both together, upon promise and Oath, which I was required to  
give, and gave accordingly, not to reveal the same to any other man  
living but your Grace, and by your Graces hand unto his Majesty.

In like manner they have tyed themselves not to declare these things  
unto any other but my self, until they should know how his Majesty and  
your Grace would dispose thereof. The Principal giving me withal to  
know, that he puts himself and this Secret into your Graces Power, as  
well because it concerns your Grace so nearly after his Majesty, as that  
he knows your Wisdom to guide the same aright, and is assured of your  
Grace's Fidelity to his Majesties Person, to our State and to our Church.

First, Your Grace is humbly and earnestly prayed, to signify his Majesties  
pleasure (with all possible Speed) together with your Graces Disposition  
herein, and purpose to carry all with silence from all but his Majesty un-  
til due time.

Secondly, When your Grace shall think fit to shew these things unto his  
Majesty, to do it immediately, not trusting to Letters, or permitting any  
other Person to be by or in Hearing; And to entreat and counsel his  
Majesty as in a case of Conscience to keep the same wholly and solely in  
his



his own Bosome, from the knowledge of all other Creatures living but your Grace; until the business shall be clear, and sufficiently in his Majesties and your Graces hands to effect.

Thirdly, Not to Enquire or Demand the Names of the Parties from whom these Overtures do come, or any further Discoveries and Advertisements in Pursuit of them which shall come hereafter, until due satisfaction shall be given in every part of them. Nor to bewray unto any Person but his Majesty in any measure or kind, that any thing of this nature, or of any great Importance is come from me.

For as I may believe these Overtures are Verifiable in the way they will be laid, and that the Parties will not shrink; so I make account that if never so little a glimpse or shadow of these Informations shall appear by his Majesties or your Graces Speech or Carriage unto others, the means whereby the business may be brought best unto Tryal will be utterly disappointed; and the Parties who have in Conscience towards God, and Devotion to his Majesty, affection to your Grace, and Compassion of your Countrey, disclosed these things, will run a present and extream hazard of their Persons and Lives. So easily it will be conjectured (upon the least occasion given upon his Majesties or your Graces parts) who is the discoverer; by what means and how he knows so much of these things, and where he is: these are the points, which together with the offers they have pressed me especially to represent most seriously unto your Grace.

For my own particular having most humbly craved pardon of any Error or Omissions, that have befallen me in the Messaging of this business, I do beseech your Grace to let me know;

First, Whether, and in what order I shall proceed hereafter with the Parties.

Secondly, What points of these Offers I shall chiefly and first put them to enlarge and clear.

Thirdly, What other points and Enquiries I shall propose unto them, and in what manner.

Fourthly, How far further I shall suffer my self to hear and know these things.

Fifthly, Whether I shall not rather take the Parties Answers and Discoveries sealed up by themselves, and having likewise put my own Seal upon them, without questioning what they contain, so to transmit them to his Majesty or your Grace.

Sixthly, whether I may not insinuate upon some fair occasions, that there will be a due regard held of them and their Service, by his Majesty and your Grace, when all Particulars undertaken in these General Offers, and necessary for Perfection of the discovery and work intended, shall be effectually delivered to his Majesty or your Grace.

Upon these Heads, and such other as his Majesty and your Grace shall think proper in the business, I must with all humility beseech your Grace to furnish me with Instructions, and Warrant for my Proceedings under his Majesties hand with your Graces attestation, as by his Majesties goodness and royal disposition is usual in like cases.

May it please your Grace to entertain a Cypher with me upon this occasion, I have sent the Counter-part of one here enclosed: In the vacant spaces whereof your Grace may insert such Names more, with Numbers to them, as you think requisite.

If these Overtures happily sort with his Majesties and your Graces mind, and shall accordingly prove effectual in their operation, I shall think my  
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✓ ✓

self a most happy man to have had my Oblations in so Pious a Work for my most Gracious Sovereign and Master: more particularly, in that your Grace under his Majesty shall be, Opifex rerum & mundi melioris origo. Which I shall incessantly beg in my Prayers at his hands, who is the giver of all good things, and will never forsake or fail them, who do not first fail and fall from him, The God of all mercy and peace, with which I shall remain ever

Your Graces most Dutiful and  
obliged Servant,

*William Boswell.*

I have not dared more to trust this business without a Cypher, but by a sure hand, for which I have sent this Bearer my Secretary Express, but he knoweth nothing of the Contents hereof.

*Sr. William Boswell's Endorsement, For your Grace.  
Hague in Holland, Sept. 9. 1640. Stil. loci.*

*The Arch-bishops Endorsement with his own hand.  
Received Sept. 10. 1640. Sir William Boswell's Letter about the Plot  
against the King.*

*Andreas ab Habernfeld his Letter to the Arch-Bishop of Canterbury concerning the Plot revealed to him, Dated at the Hague Septemb. 14. New Stile, 1640. which he sent enclosed in Sir William Boswell's first Letter, Septemb. 14. 1640.*

Most Illustrious and most Reverend Lord,

*Andreas ab  
Habernfeld his  
Letter to the  
Arch-Bishop  
of Canterbury.*

ALL my Senses are shaken together as often as I revolve the present business, neither doth my understanding suffice (to conceive) what wind hath brought such horrid things, that they should see the Sun-shine by me; for besides expectation this good man became known unto me, who when he had heard me discoursing of these Scottish stirs, said, that I knew not the nerve of the business, that these things which are commonly scattered abroad are superficial. From that hour he every day became more familiar to me, who acknowledging my Dexterity herein with a full breast poured forth the burdens of his Heart into my bosom, supposing that he had discharged a burden of Conscience wherewith he was pressed. Hence he related to me the Factions of the Jesuits, with which the whole Christian world was assaulted, and shewed, that I might behold how through their poyson, Bohemia and Germany were decoured, and both of them maimed with an irreparable wound; that the same Plague did creep through the Realms of England and Scotland, the matter whereof revealed in the adjacent writing he discovered to me: which things having heard, my Bowels were contracted together, my Loyns trembled with horror that a pernicious



pernicious Gulf should be prepared for so many thousands of souls, with words moving the Conscience; I inflamed the mind of the man, he had scarce one hour concocted my admonitions but he disclosed all the secrets, and he gave free liberty that I should treat with those whom it concerned, that they might be informed hereof. I thought no delay was to be made about the things; the same hour went to Sr. William Boswell the King's Leger at the Hague, who being tyed with an Oath of Secrecy to me, I communicated the business to him, I admonished him to weigh these things by the ballance, neither to defer but act, that those who were in danger might be speedily succoured; He as becomes an honest man, mindful of his duty, and having nearer looked into the business, refused not to obey the monitions; moreover he forthwith caused that an Express should be dispatched, and sent word back again what a most acceptable oblation this had been to the King, and your Grace, for which we rejoiced from the Heart, and we judged that a safe and favourable Deity had interposed it self in this business, whereby you might be preserved.

Now that the verity of the things related might be confirmed, some principal heads of the Conspiracy were purposely pretermitted, that the knowledge of them might be extorted from the circumvented Society of the Conspirators.

Now the things will be speedily and safely promoted into Act if they be warily proceeded in at Bruxels. By my advice, that day should be observed wherein the Packet of Letters are dispatched, which under the title of, To Monf. Stratio Arch-Deacon of Cambray, tyed with one Cover are delivered to the Post-master; such a Packet may be secretly brought back from him, yet it will be unprofitable because all the inclosed Letters are written Characteristically: likewise another Packet coming weekly from Rome, which is brought under this Subscription, To the most Illustrious Lord Count Rosetti Legat for the time; these are not to be neglected; to whom likewise Letters writ in the same Character are included; That they may be understood, Read is to be consulted with. The forenamed day of dispatch shall be expected: In Read's House an accumulated Congregation may be circumvented, which succeeding, it will be your Graces part to order the business. The intestine Enemy being at length detected by Gods Grace, all bitterness of mind which is caused on either side may be abolished, delivered to Oblivion, deleted and quieted, the enemy be invaded on both parts: thus the King and the Kings Friends and both Kingdoms near to danger shall be preserved, delivered from imminent danger.

Your Grace likewise may have this Injunction by you, if you desire to have the best advice given you by others, that you trust not overmuch to your Pursevents, for some of them live under the stipend of the Popish party; How many Rocks and how many Scylla's, how many displeased Charibdes appear before your Grace, in what a dangerous Sea the Cockboat of your Graces life, next to Shipwrack is tossed, your self may judge, the Foredeck of the Ship is speedily to be driven to the Harbour.

All these things I whisper into your Graces ear, for I know it bound with an oath of Secresie, therefore by open Name I would by these presents become known to your Grace,

Your Graces most Observant and  
most Officious,

Hague Sept. 14. S. N. 1640.

Andrew Habernfeld.

An. 1640.

*Andreas ab Habernfeld* a Chaplain (as some affirm) to the Queen of *Bohemia*, his Endorsement hereon,

*Ill. Præfissimo ac Reverendissimo Dom. Domino Gulielmo Archiepiscopo Cantuariensi, Primate & Metropolitano totius Regni Angliæ, Domino meo.*

The Arch-Bishops Endorsement with his own hand,

Received Octob. 14. 1640. *Andreas ab Habernfeld* his Letters sent by Sir William Boswell about the Discovery of the Treason.

The General Overture and Discovery of the Plot sent with Sir William Boswell's first Letter, Sept. 6. 1640. Foreign Stile.

The General  
Overture  
of the Plot  
sent with  
Sir William  
Boswell's  
first Letter.

THE King's Majesty and Lord Arch-Bishop of *Canterbury* are to be secretly informed by Letters,

'1. That the King's Majesty and Lord Arch-Bishop are both of them in great danger of their lives.

'2. That the whole Common-wealth is by this means endangered, unless the mischief be speedily prevented.

'3. That these *Scottish* troubles are raised, to the end, that under this pretext the King and Arch-Bishop might be destroyed.

'4. That there is a means to be prescribed, whereby both of them in this case may be preserved, and this tumult speedily composed.

'5. That although these *Scottish* tumults be speedily composed, yet that the King is endangered, and that there are many wayes by which destruction is plotted to the King and Lord Arch-Bishop.

'6. That a certain Society hath conspired, which attempts the death of the King and Lord Arch-Bishop, and Convulsion of the whole Realm.

'7. That the same Society every week deposits with the President of the Society, what intelligence every of them hath purchased in eight dayes search, and then conferr all into one Packet, which is weekly sent to the Director of the business.

'8. That all the Confederates in the said Conspiracy may verily be named by the Poll, but because they may be made known by other means, it is thought meet to deferr it till hereafter.

'9. That there is a ready means whereby the Villany may be discovered in one Moment, the chief Conspirators circumvented, and the primary members of the conjuration apprehended in the very Act.

'10. That very many about the King, who are accounted most faithful and intimate, to whom likewise the more secret things are imparted, are *Scottish* Agents, corrupted with a Foreign Pension, who communicate all secrets of greater or lesser moment to a Foreign power.

'11. These and other most secret things which shall be necessary to be known for the security of the King, may be revealed if these things shall be acceptable to the Lord Arch-Bishop.

'12. In



‘12. In the mean time, if his Royal Majesty, and the Lord Arch-Bishop desire to consult well to themselves, they shall keep these things only superficially communicated unto them, most secretly under deep silence, not communicating them so much as to those whom they judge most faithful to them, before they shall receive by name in whom they may confide, for else they are safe on no side. Likewise they may be assured, that whatever things are here proposed are no Fictions, nor Fables, nor vain dreams, but such real verities which may be demonstrated in every small tittle, for those who thrust themselves into this business are such men who mind no gain, but the very Zeal of Christian Charity suffers them not to conceal these things, yet both from his Majesty and the Lord Arch-Bishop some small Exemplar of Gratitude will be expected.

‘All these premises have been Communicated under good Faith, and the Sacrament of an Oath, to Mr. *Leiger* Ambassador of the King of Great Britain at the Hague, that he should not immediately trust, or communicate these things to any Mortal, besides the King and the Lord Arch-Bishop of Canterbury.

Subscribed, &c.

Present &c.

*Hague Com. Sept. 6. 1640.*  
In the stile of that place.

*Detectio, &c. offerenda Serenissime Regie Majestati Britannie & Dom. Archiepiscopo Cantuariensi, &c. Sept. 6. 1640.*

The Arch-Bishop's own Endorsement,  
Received Sept. 10. 1640. *The Plot against the King.*

The Arch Bishop of Canterbury's Letter to the King concerning the Plot, with the Kings direction in the Margin, written with his own hand.

The Arch-Bishops Letter to the King concerning it.

May it please your Majesty,

**A**S great as the secret is which comes hither, yet I choose rather to send it in this silent covert way, and I hope safe, than to come thither, and bring it myself. First, because I am no way able to make haste enough with it. Secondly, because should I come at this time and anticipate the meeting Sept. 24. there would be more jealousy of the business, and more enquiry after it, especially, if I being once there, should return again before that day, as I must if this be followed, as is most fit.

The Danger it seems is imminent, and laid by God knows whom, but to be executed by them which are very near about you (for the great harm which I have to be in danger with you, or for you, I pass not, so your Sacred Person and the State may be safe.) Now may it please your Majesty, This information is either true, or there is some mistake in it: if it be true, the persons which make the discovery will deserve thanks and reward; if there should be any mistake in it, your Majesty can lose nothing but a little silence.

I beseech your Majesty read these Letters as they are Endorsed, &c. 15, 25, 30.

Ye had reason so to do.

It is an unanswerable Dilemma.

The

I concur totally with you in opinion, assuring you that no body doth or shall know of this business, and to shew my care to conceal it, I received this but this Afternoon, and now I make this dispatch before I sleep.

Herewith I send his Warrant as you advise, which indeed I judge to be the better way.

I like your answer extream well, and do promise not to deceive your Confidence, nor make you break your word.

I have sent all back, I think these Apostyles will be warrant enough for you to proceed, especially when I expressly command you to do so.

In this I am as far from condemning your Judgement as suspecting your fidelity. C. R.

\* The King's Hand and Date.

\* The Arch-Bishop's Postscript.

*The business (if it be) is extream foul, The discovery thus by Gods Providence offered, seems fair. I do hereby humbly beg it upon my knees of your Majesty, that you will conceal this business from every Creature and his name that sends this to me. And I send his Letters to me to your Majesty, that you may see his sence both of the business and the Secresie. And such Instructions as you think fit to give him, I beseech you let them be in your own hand for his Warrant without imparting them to any. And if your Majesty leave it to his discretion to follow it therein in the best way he can, that in your own hand will be instruction and warrant enough for him. And if you please to return it herewith presently to me, I will send an Express away with it presently.*

*In the mean time I have by this Express returned him this answer, that I think he shall do well to hold on the Treaty with these men with all care and secresie, and drive on to the discovery so soon as the business is ripe for it, that he may assure himself and them, they shall not want reward, if they do the service; That for my part he shall be sure of secresie, and that I am most confident your Majesty will not impart it to any. That he have a special eye to the Eighth and Ninth Proposition.*

*Sir, For Gods sake and your own safety, secresie in this business: And I beseech you send me back this Letter, and all that comes with it, speedily and secretly, and trust not your own Pockets with them, I shall not eat nor sleep in quiet till I receive them. And so soon as I have them again and your Majesties Warrant to proceed, no diligence shall be wanting in me to help on the discovery.*

*This is the greatest business that ever was put to me, And if I have herein proposed or done any thing amiss, I most humbly crave your Majesties pardon. But I am willing to hope I have not herein erred in Judgement, and in fidelity I never will.*

*These Letters came to me (saith the Arch-Bishop) on Thursday, Septemb. 10. at Night, and I sent these away according to the Date hereof, being extreamly wearied with writing this Letter, copying out these other which come with this, and dispatching my Letters back to him that sent these, all in my own hand; once again secresie for Gods sake, and your own: To his most blessed protection I commend your Majesty and all your affairs, and am*

Your Majesties most humble and faithful Servant,

*William Cant.*

\* York 13th.  
Lambeth Sept. 11. 1640.

\* *As I had ended these, whether with the Labour or Indignation or both I fell into an extream faint sweat, I pray God keep me from a Fever, of which three are down in my Family at Croyden.*

*These Letters came late to me, the Express being beaten back by the wind.*

*The Arch-Bishops Indorsement with his own hand, Received from the King, Sept. 16. 1640. For your Sacred Majesty, Yours Apostyled, The Kings answer to the Plot against him, &c.*

*Sir William*



Sir William Boswell's second Letter to the Arch-Bishop of Canterbury.

May it please your Grace,

**T**His Evening late I have received your Graces Dispatch, with the Enclosed from his Majesty, by my Secretary Oveart, and shall give due Account with all possible speed of the same according to his Majesties and your Graces Commands, Praying heartily that my endeavours which shall be most Faithful may also prove Effectual to his Majesties and your Graces Content, with which I do most humbly take leave, being always

Your Graces most Dutiful and  
Humble Servant,

Hague 24th of Septemb.  
1640. Stil. Angl.

William Boswell.

The Arch-Bishop's Endorsement.

Rec. Sept. 30. 1640. Sir William Boswell his Acknowledgement that he hath received the Kings Directions and my Letters.

Sir William Boswell's third Letter to the Arch-Bishop, sent with the larger Discovery of the Plot.

May it please your Grace,

**U**Pon Receipt of his Majesties Commands, with your Graces Letters of 9 and 18 Sept. last, I dealt with the Party to make good his offers formerly put in my hand, and transmitted to your Grace: This he hopes to have done by the enclosed, so far as will be needful for his Majesties satisfaction; yet if any more Particular Explanation of Discovery shall be Required by his Majesty or your Grace, He hath promised to add thereunto, whatsoever he can remember and knows of truth. And for better Assurance and Verification of his Integrity, he professeth himself ready (if required) to make Oath of what he hath already declared, or shall hereafter declare in the business.

His name he Conjures me still to conceal, though he thinks his Majesty and your Grace, by the Character he gives of himself, will easily imagine who he is, having been known so generally through Court and City, as he was for three or four years in the Quality and Employment he acknowledged (by his declaration enclosed) himself to have had.

Hereupon he doth also redouble his most humble and earnest Suit unto his Majesty and your Grace to be most Secret and Circumspect in the business, that he may not be suspected to have discovered, or had a hand in the same.

I shall

Sir W. Boswell's  
second Letter  
to the Arch-  
Bishop of  
Canterbury.

Sir W. Boswell's  
third Letter  
to the same  
person.

An. 1640.

*I shall here humbly beseech your Grace to let me know what I may further do for his Majesties Service, or for your Graces particular behoof; that I may accordingly endeavour to approve myself as I am*

Your Graces most Dutiful and  
obliged Servant,

Hague Octob. 15. 1640.

*William Boswell.*

The Arch-Bishop's Endorsement,

Rec. Octob. 14. 1640. *Sir William Boswell in Prosecution of the great business. If any thing come to him in Cyphers, to send it to him.*

Which said larger Discovery here followeth,

*A large particular Discovery of the Plot and Treason against the King, Kingdom and Protestant Religion, and to raise the Scottish Wars.*

*Most Illustrious and Reverend Lord,*

A larger discovery of the Plot.

WE have willingly and cordially perceived, that our offers have been acceptable both to his Royal Majesty, and likewise to your Grace. This is the only Index to us, That the blessing of God is present with you, whereby a spur is given, that we should so much the more cheerfully and freely utter and detect those things whereby the hazard of both your lives, the subversion of the Realm and State both of *England* and *Scotland*, the tumbling down of his most Excellent Majesty from his Throne is intended. Now lest the discourse should be enlarged with superfluous circumstances, we will only premise some things which are meerly necessary to the business.

They may first of all know, that this good man, by whom the ensuing things are detected, was born and bred in the Popish Religion, who spent many years in Ecclesiastical dignities. At length being found fit for the expedition of the present design, by the Counsel and Mandate of the Lord Cardinal *Barbarine*, he was adjoyned to the assistance of Master *Cureus* (*Cun*) by whom he was found so diligent and sedulous in his office, that hope of great promotion was given to him; yet he, led by the instinct of the good Spirit, hath, howsoever it be, contemned sweet promises, and having known the vanities of the Pontifician Religion (of which he had sometimes been a most severe defender) having likewise noted the malice of those who fight under the Popish Banner, felt his Conscience to be burthened; which burden that he might ease himself of, he converted his mind to the Orthodox Religion. Soon after, that he might exonerate his Conscience, he thought fit, that a desperate Treason machinated against so many souls, was to be revealed, and that he should receive ease if he vented such things into the bosom of a friend; which done, he was seriously admonished by the said friend, that he should shew an example of his conversion and charity,



'rity, and free so many innocent souls from imminent danger. To  
'whose monitions he willingly consented, and delivered the follow-  
'ing things to be put in writing, out of which the Articles not long  
'since tendered to your Grace, may be clearly explicated and de-  
'monstrated.

'1. First of all, That the hinge of the business may be rightly  
'discerned, it is to be known, that all those factions with which all  
'Christendom is at this day shaken, do arise from the Jesuitical off-  
'spring of *Cham*, of which four Orders abound throughout the  
'world.

'1. Of the first order are Ecclesiasticks, whose office is to take  
'care of things promoting Religion.

'2. Of the second order are Politicians, whose office it is by any  
'means to shake, trouble, reform the state of Kingdoms and Re-  
'publicks.

'3. Of the third Order are Seculars whose property it is to ob-  
'trude themselves into Offices with Kings and Princes, to insinuate  
'and immix themselves in Court-businesses, bargains and sales, and  
'to be busied in Civil affairs.

'4. Of the fourth order are intelligencers, (or spies) men of in-  
'feriour condition, who submit themselves to the services of great  
'men, Princes, Barons, Noble-men, Citizens, to deceive (or cor-  
'rupt) the minds of their Masters.

'2. A Society of so many Orders, the Kingdom of *England* nou-  
'risheth: for scarce all *Spain*, *France* and *Italy* can yield so great a  
'multitude of Jesuites as *London* alone; where are found more than  
'fifty *Scottish* Jesuites. There the said Society hath elected to it self  
'a seat of iniquity, and hath conspired against the King, and the most  
'faithful to the King, especially the Lord Arch-Bishop of *Canterbury*,  
'and likewise against both Kingdoms.

'3. For it is more certain than certainty it self, that the fore-named  
'Society hath determined to effect an universal Reformation of the  
'Kingdom of *England* and *Scotland*. Therefore the determination of  
'the end, necessarily inferrs a determination of means to the end.

'4. Therefore to promote the undertaken villany, the said Society  
'dubbed it self with the title of, The Congregation of propagating  
'the faith; which acknowledgeth the Pope of *Rome* the head of the  
'Colledge, and Cardinal *Barbarino* his substitute and Executor.

'5. The Chief Patron of the Society at *London*, is the Popes Le-  
'gat, who takes care of the business; into whose bosome, these  
'dreggs of Traytors weekly deposite all their intelligences. Now  
'the Residence of this Legation was obtained at *London* in the  
'name of the *Roman Pontife*, by whose mediation it might be lawful  
'for Cardinal *Barbarino*, to work so much the more easily and safe-  
'ly upon the King and Kingdom. For none else could so freely cir-  
'cumvent the King, as he who should be palliated with the Popes  
'Authority.

'6. Master *Cuneus* did at that time enjoy the Office of the Popes  
'Legate, an universal instrument of the conjured Society, and a se-  
'rious promoter of the business, whose secrets, as likewise those of  
'all the other intelligencers, the present good man, the communica-  
'tor of all these things, did receive and expedite whither the busi-  
'ness required.

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'*Cunens* set upon the chief men of the Kingdom, and left nothing  
'unattempted, by what means he might corrupt them all, and in-  
'cline them to the Pontifical party: he inticed many with various  
'enticements, yea he sought to delude the King himself with gifts of  
'Pictures, Antiquities, Idols, and of other vanities brought from  
'*Rome*, which yet would prevail nothing with the King.

'Having entred familiarity with the King he is often requested at  
'*Hampton Court*, likewise at *London*, to undertake the cause of the  
'*Palatine*, and that he would interpose his Authority, and by his in-  
'tercession perswade the Legat of *Colen*, that the *Palatine* in the next  
'Diet to treat of peace, might be inserted into the conditions, which  
'verily he promised, but performed the contrary. He writ indeed,  
'that he had been so desired by the King concerning such things, yet  
'he advised not that they should be consented to, lest peradventure it  
'might be said by the *Spaniard*, that the Pope of *Rome* had Patroni-  
'zed an Heretical Prince.

'In the mean time, *Cunens* sinelling from the Arch-Bishop most  
'trusty to the King, that the Kings mind was wholly pendulous (or  
'doubtful), resolved that he would move every stone, and apply his  
'forces, that he might gain him to his party: Certainly confiding,  
'that he had a means prepared, for he had a command to offer a Car-  
'dinals Cap to the Lord Arch-Bishop in the name of the Pope of  
'*Rome*, and that he should allure him also with higher promises, that  
'he might corrupt his sincere mind. Yet a fitting occasion was ne-  
'ver given whereby he might insinuate himself into the Lord Arch-  
'Bishop (for the *Scorpion* sought an egg). Free access was to be  
'impetrated by the Earle and Countess of *Arundel*, likewise by Se-  
'cretary *Windbanke*: The intercession of all which being neglected,  
'he did fly the company or familiarity of *Cunens*, worse than the  
'Plague: He was likewise perswaded by others of no mean rank,  
'well known to him, neither yet was he moved.

'7. Another also was assayed who hindred access to the detestable  
'wickedness, Secretary *Cook*, he was a most bitter hater of the Jesu-  
'ites, from whom he intercepted access to the King; he entertained  
'many (of them) according to their deserts, he diligently enquired  
'into their factions; by which means every incitement breathing a  
'magnetical (attractive) power to the Popish party, was ineffectu-  
'al with him; for nothing was so dear unto him that might incline  
'him to Wickedness: hereupon being made odious to the Patrons of  
'the Conspiracy, he was endangered to be discharged from his Of-  
'fice; it was laboured for three years space, and at last obtained.  
'Yet notwithstanding there remained on the Kings part a knot hard to  
'be untied, for the Lord Arch-Bishop by his constancy, interposed  
'himself as a most hard rock.

'When *Cunens* had understood from the Lord Arch-Bishops part,  
'that he had laboured in vain, his malice and the whole Societies wax-  
'ed boyling hot: soon after ambushes began to be prepared, where-  
'with the Lord Arch-Bishop together with the King should be taken.

'Likewise a sentence is passed against the King (for whose sake  
'all this business is disposed) because nothing is hoped from him,  
'which might seem to promote the Popish Religion (but especially  
'when he had opened his mind, that he was of this opinion, that every  
'one might be saved in his own Religion, so as he be an honest pious  
'man.)

'8. To



'8. To perpetrate the Treason undertaken, the Criminal execution \* at *Westminster* caused by some writings of Puritans, gave occasion of the first fire; which thing was so much exasperated and exaggerated by the Papists to the Puritans, that if it remained unrevenge'd, it would be thought a blemish to their Religion, the flames of which fire, the subsequent Book † of Prayers encreases.

'9. In this heat a certain *Scottish* Earl, called \* *Maxwell*, if I mistake not, was expedited to the *Scots* by the Popish party; with whom two other *Scottish* Earles, Papists, held correspondence: he ought to stir up the people to Commotion, and rub over the injury afresh, that he might enflame their minds, precipitate them to Armes by which the hurtful disturber of the *Scottish* liberty might be slain.

'10. There, by one labour, snares are prepared for the King: for this purpose the present business was so ordered, that very many of the *English* should adhere to the *Scots*; That the King should remain inferior in Armes, who (thereupon) should be compelled to crave assistance from the Papists; which yet he should not obtain, unless he would condescend unto conditions, by which he should permit universal liberty of the exercise of the Popish Religion; for so the affairs of the Papists would succeed according to their desire. To which consent, if he should shew himself more difficult, there should be a present remedy at hand: For the King's Son growing now very fast to his youthful age (who is educated from his tender age, that he might accustom himself to the Popish party) the King is to be dispatched; for an *Indian* Nut stuffed with most sharp poyson, is kept in the Society (which *Cuneus* at that time shewed often to me in a boasting manner) wherein a poyson was prepared for the King, after the example of his Father.

'11. In this *Scottish* Commotion, the Marquess of *Hamilton* was often dispatched to the *Scots* in the name of the King, to interpose the Royal authority, whereby the heat of minds might be mitigated, returned notwithstanding as often without fruit, and without ending the business: His Chaplain at that time repaired to us, who communicated something secretly with *Cuneus*. Being demanded of me in jest, whether also the Jews agreed with the *Samaritans*, *Cuneus* thereunto answered, Would to God all Ministers were such as he: what you will may be hence conjectured.

'12. Things standing thus, there arrived at *London* from Cardinal *Richlieu*, Mr. *Tho. Chamberlaine*, his Chaplain and Almoner, a *Scot* by Nation, who ought to assist the Colledge of the confederate Society, and seriously to set forward the business, to leave nothing unattempted, whereby the first heat might be exasperated. For which service he was promised the reward of a Bishoprick: He Cohabited with the Society four months space; neither was it lawful for him first to depart, until things succeeding according to his wish, he might be able to return back again with good news.

'13. Sir *Toby Matthew* a Jesuited Priest, of the order of Politicians, a most vigilant man of the chief heads, to whom a bed was never so dear, that he would rest his head thereon, refreshing his body with sleep in a Chair for an hour or two, neither day nor night spared his machinations; a man principally noxious, and himself the plague of the King and Kingdom of *England*; a most impudent

16 *Caroli.*

\* When *Prin,*  
*Batwick* and  
*Boston* had  
their ears cut  
off in the Pil-  
lory, and *John*  
stigmatized.  
† The Com-  
mon-Prayer  
Book sent in-  
to *Scotland*  
implying  
Transubstan-  
tiation in the  
Sacrament.

\*Or *Maxfield*.

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‘man, who flies to all banquets, and feasts, called or not called, never quiet, alwayes in action, a perpetual motion; thrusting himself into all conversations of Superiours; he urgeth Conferences familiarly, that he may fish out the minds of men; whatever he observes thence, which may bring any commodity or discommodity to the part of the Conspirators, he communicates to the Popes Legat; the more secret things he himself writes to the Pope, or to Cardinal *Barbarino*. In sum he adjoyns himself to any mans company, no word can be spoken that he will not lay hold on, and accommodate to his party. In the mean time, whatever he hath fished out, he reduceth into a Catalogue, and every Summer carryeth or conveyeth it to the general Consistory of the Jesuites politicks, which secretly meets together in the Province of *Wales*, where he is an acceptable guest. There Counsels are secretly hammered which are most meet for the convulsion of the Ecclesiastick and politick estate of both Kingdoms.

‘14. Captain *Read* a *Scot*, dwelling in *Long-acre* street; near the Angel Tavern, a Secular Jesuite; in his house the business of the whole Plot is concluded, where the Society which hath conspired against the King, the Lord Arch-Bishop and both Kingdoms meet together, for the most part every day: but on the day of the Carriers (or Posts) dispatch, which is ordinarily *Friday*, they meet in greater numbers; for then all the Intelligencers assemble and conferr in common, what things every of them hath fished out that week; who that they may be without suspicion, send their secrets by *Toby Matthew* or *Read* himself, to the Popes Legate, he transmits the compacted packet which he hath purchased from the Intelligencers to *Rome*.

‘With the same *Read*, the Letters brought from *Rome* are deposited under feigned Titles and Names, who by him are delivered to all to whom they appertain, for all and every of their names are known to him.

‘Upon the very same occasion Letters are brought hither under the Covert of Father *Philips*; (he notwithstanding being ignorant of things) from whom they are distributed to the Conspirators.

‘There is in that very house a publick Chapel, wherein an ordinary Jesuite Consecrates, and dwells there. In the said Chapel Masses are daily Celebrated by the Jesuites; and it serves for the Baptizing of the Children of the house, and of some of the Conspirators.

‘Those who assemble in the forenamed house, come frequently in Coaches or on Horse-back in Lay-mens habits, and with a great Train, wherewith they are disguised, that they may not be known, yet they are Jesuites, and conjured members of the Society.

‘15. All the Papists of *England* contribute to this Assembly, lest any thing should be wanting to promote the undertaken designs, upon whose Treasury one Widow, owner of the houses wherein Secretary *Windbanke* now dwelleth, dead above three years since, bestowed Forty Thousand English Pounds, so likewise others contribute above their abilities, so as the business may be promoted unto its desired end.

‘16. Besides the foresaid Houses, there are Convents kept also in other more secret places, of which verily they confide not even among



‘among themselves, for fear lest they should be discovered. First, every  
‘of them are called to certain Inns, (one not knowing of the other);  
‘hence they are severally led by spies to the place where they ought  
‘to meet, otherwise ignorant where they ought to assemble, lest per-  
‘adventure they should be surprized at unawares.

16 Caroli.

‘17. The Countess of *Arundel*, a strenuous She-Champion of the  
‘Popish Religion, bends all her Nerves to the Universal Reformati-  
‘on; whatsoever she hears at the King’s Court that is done secretly  
‘or openly in words or deeds, she presently imparts to the Popes Le-  
‘gat, with whom she meets thrice a day, sometimes in *Arundel*  
‘House, now at the Court, or at *Tart-Hall*. He scarce sucks such  
‘things by the Claw.

See more of this large Discovery in the Histories of Mr. *L’Estrange*  
and Mr. *Sanderfon*.

The Conclusion of the whole Discovery endeth in these words;

‘THESE things being thus ordered, if every thing be laid to the bal-  
‘ance, it will satisfie in special all the Articles propounded;  
‘wherein,

The conclu-  
sion of the  
Discovery.

‘1. The Conspiracy against the King and Lord Arch-Bishop is  
‘detected, and the means whereby ruine is threatned to both demon-  
‘strated.

‘2. The Imminent dangers to both Kingdoms are rehearsed.

‘3. The Rise and Progress of that *Scotish* Fire is related.

‘4. Means whereby these *Scotish* troubles may be appeased are sug-  
‘gested; for after the *Scots* shall know by whom and to what end  
‘their minds are incensed, they will speedily look to themselves, nei-  
‘ther will they suffer the Forces of both parts to be subdued, lest a  
‘middle Party interpose, which seeks the Ruine of both.

‘5. With what Sword the Kings Throat is assaulted, even when  
‘these stirs shall be ended, *Cnnew* his Confession, and a visible De-  
‘monstration sheweth.

‘6. The Place of the Assembly in the House of Captain *Read* is  
‘nominated.

‘7. The day of the eight dayes dispatch by *Read* and the Legat is  
‘prescribed.

‘8. How the names of the Conspirators may be known.

‘9. Where this whole Congregation may be circumvented.

‘10. Some of the principal unfaithful ones of the King’s Party are  
‘notified by name; many of whose names occur not, yet their habi-  
‘tations are known, their names may be easily extorted from *Read*.

‘If these be warily proceeded in, the strength of the whole busi-  
‘ness will be brought to Light, so the Arrow being foreseen, the dan-  
‘ger shall be avoided; Which that it may prosperously succeed, the  
‘Omnipotent Creator grant.

The Arch-Bishops Indorsement with his own hand,

Received Octob. 14. 1640. The Narration of the great Treason, con-  
cerning which the Discoverer promiseth to Sir William Boswell to  
discover, which is against the King and State.

Whereas

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**W**Hereas the said large discovery gives a particular Character of Sr. *Toby Mathew* an *English* man, a *Jesuite* and *Priest*, we shall offer to the Consideration of the Reader the Popes Bull granted unto him, a Copy of which was found among the Papers of Mr. Secretary *Windebanke*. By which Bull it doth appear, that Count *Rossitti* the Popes *Nuntio* was committed to take the Care and Tutelage of Sr. *Toby*; hoping that the *Nuntio*, assisted by his Counsels, would produce no small fruits to the Catholick Church through the help of the female *Amazons* there, to restore the Authority of the See Apostolick in the Kingdom of *England*: the Copy whereof followeth.

Dilecto Filio Tobiaë  
Matheo, Societat. Jesu  
Sacerdoti, Urbanus  
Papa VIII.

Pope Urbane VIII. to  
his beloved Son Tobias Ma-  
thew Priest, and one of the  
Order of the Jesuites.

The Popes  
Bull to Sr. Toby  
Mathew.

**D**ilecte Fili, salutem & Apostolicam benedictionem. Ardens animarum zelus quo jam à tot annis in vinea domini laborando strenuum te militem exhibuisti, promeretur ut tue virtuti debitam laudem reddamus. Sanè magna cum exultatione audivimus labores quos sustines ut sedis Apostolicæ amplitudinem augeas, & quo charitatis zelo omnibus omnia fias, ut omnes lucrifacias. Decet certè te virum Apostolicum, magni Apostoli exemplo doctum, ut Judæis fias tanquam Judæus, & iis qui sunt sine lege, tanquam sis sine lege, dummodo sedis Apostolicæ dignitatem promoveas: ideo cum in magnam Britanniam mittere statuerimus dilectum filium Comitem Rossitti, nostrum & Sedis Apostolicæ cum potestate Legati à latere Nuntium, juvenem zelo Dei accensum, Apostolicæ sollicitudini nostræ satisfactum credidimus, si cum tue curæ committeremus. Jussimus igitur ut tibi communicet instru-

**B**eloved Son, Health and Apostolical Benediction. Your burning zeal for the salvation of souls, by which for so many years you have approved your self a diligent and faithful Workman in our Lords Vineyard, deserveth its due praise and grateful remembrance from us. The truth is, the account of those troubles that you have gone thorough for the enlargement of the greatness of the Apostolical See, and that charitable zeal, whereby you have become all things to all men, that you may gain some, we have heard with a great deal of rejoycing. It becometh indeed such an Apostolical man (in imitation of the Grand Apostle) for the glory and dignity of the Apostolical See, to become as a Jew to the Jews, and as one without Law to those who are without Law: Therefore when we had resolved to send our beloved Son Count *Rossitti* (a young man full of divine zeal)

into Britain with power and authority of our Legate à Latere and Nuntio of the Apostolical See, we did account our selves freed and acquitted of all our Apostolical anxiety and duty, when we had recommended him to your care: and upon that account we have commanded him to communicate to you all those instructions



*Etiones sibi datas, & à dilecto filio & Nepote nostro, Francisco Sancte Reverendiss. Ecclesie Card. Barbarino subscriptas, Teque ab eo quo pro sede Apostolica zelo ardes rogamus, & in quantum opus est, tibi mandamus, ut prædictum filium, & Nuntium nostrum, in omnibus dirigas, moveas, instruas, lapsus & errores ejus, (qui per juventutem facile accidere possunt) corrigas (ut sedis Apostolicæ decor inviolatus permaneat) & ut denique in omnibus ei te Angelum custodem præbeas. Magnam certè spem concepimus prædictum filium & Nuntium tuis consiliis adjutum, non parvos in Ecclesia Catholica fructus producturum. Labora igitur, dilecte fili, opus fac Evangelistæ, ministerium tuum imple, Catholicos zelo Dei accende, ipsos conforta, sed præcipuè Amazonas illas que (ut à dilecto filio Georgio Conneo audivimus) die ac nocte strenuè decertant pro dignitate sedis Apostolicæ. Non diffidimus de Domino, neque de potentia ejus, quia sicut occasione unius feminae, auctoritas Sedis Apostolicæ in Regno Angliæ suppressa fuit, sic nunc per tot Heroicas feminas (illas imitantes que à Galileo sequebantur Dominum) societatem ejus assidue sequentes, brevi in eodem Regno restituenda sit. Adhortare igitur illas ut opus aggressum viriliter prosequantur, & de sede Apostolica (que devoti feminei sexus peculiarem Curam gerit) bene mereri pergant. Rogamus patrem Domini nostri Jesu Christi, ut tibi Spiritum sanctum suum mittat, qui te in omnibus & per omnia custodiat. Apostolicam nostramque benedictionem, dilecte fili, iterum atque iterum tibi impertimur. Datum Romæ apud S. Petrum, sub annulo Piscatoris pridie idus Maij.*

instructions which are given to him, and subscribed by our beloved Son and Nephew, the most Reverend Cardinal *Francisco Barbarino*; and we conjure you by that zeal and respect you have for the dignity of the Apostolical See, yea, we charge and command you, that (so far as it is needful) you not only direct, advise and instruct our foresaid Son and *Nuntio* in all things, but that you correct all his escapes and errors (which by reason of his youth he may easily be guilty of) that the glory and Dignity of the Apostolical See, may remain chaste and inviolate; and in short, that in all things, you be to him an Angel-Guardian. We have indeed assured our self of a plentiful harvest from the labours of our foresaid Son and *Nuntio* (by the help of your counsel) in the Catholick concern. Go on therefore beloved Son, do the work of an Evangelist, fulfil your Ministry, enkindle the Catholics with a divine zeal: comfort them all, but chiefly those *Amazones* and *Virago's* for the Catholick cause, who (as we have had an account from our beloved Son *George Conneo*) night and day do champion-like fight for the glory and dignity of the Apostolical See. We neither distrust God nor his power; for as the authority of the Apostolical See was suppressed in the Kingdom of *England* by the power and influence of one Woman, so now we hope by the help of so many heroick and noble spirited Women, in a short time to have it restored in that Kingdom to its antient right and glory again: Pray therefore exhort and encourage them, to prosecute with a Masculine spirit

the design on foot, and to go on in meriting from the Apostolical See, which hath an extraordinary and peculiar care and concern for that devouter Sex. We beseech the Father of our Lord Jesus Christ to send you

*Ad. 1640.* you his holy Spirit to direct and preserve you in all things. Beloved Son, we send you again and again both the Apostolical and our Benediction. Given under our Signet at *Rome* in St. Peter's Palace, *prid. id. Maij.*

WE will make bold with Mr. *L'Esfrange's* History, page 181. who after a large Account of the Discovery by *Habermesla's* means of the Plot, writeth further to the effect following:

An objection answered relating to the discovery. by Mr. *L'Esfrange.*

They who will diligently compare this Information with what hath conformably occurred in the preceding parts of these Annals, and shall withal well consider the practices both antient and modern of those pragmatistical spirits, will find cause enough to think there was in it somewhat more than fiction: and that it may make some impression upon faith, without setting it upon the rack. Only one Objection I shall rid out of the way, which may seem to discredit the truth thereof. And it is this,

The Arch-Bishop of *Canterbury* stands aspersed in common fame, as a great friend (at least) and Patron of the Romish Catholicks, if he were not of the same belief: And it were a Policy mis-becoming such subtle Serpents causelessly to plot the death of their so eminent well-wisher. To which I answer, by concession; True it is, he had too much and long favoured the Romish faction; but as upon what account he favoured them, is uncertain; so was it but the Romish faction (not the Romish faith) he favoured. He tampered indeed to introduce some Ceremonies bordering upon Superstition, disused by us, and abused by them; from whence the Romanists collected such a disposition in him to their Tenets; as they began not only to hope, but in good earnest to cry him up for their Profelyte. Upon this Hypothesis, this supposition, they grew excessive proud and insolent, as well they might) knowing how grand a Confident and Trustee he was of the Kings (had not their perswasion misled them. But the Arch-Bishop finding that his tacite reservedness in point of Opinion, and former compliance with the Papists, was no longer expedient for his designs, and did begin to create ill boading Jealousies in another party, resolved to speak out, and unbeguile them both. And first in the year 1637. openly at the Council Table, he passionately complained to the King of their audacious resort to *Denmark-House*, using some expressions of vehemency; more particu'arly against the haughty deportment of Mr. *Walter Montague* and Sr. *Tobias Mathew*. But that which most despighted them, was his publishing the next year the Relation of his Conference with the Jesuite *Fisher*; wherein he declared himself so little theirs, as he hath for ever disabled them from being so much their own, as they were before; it being the exactest Master-piece of Polemique Divinity of all extant. Pity it is, his thoughts which were in other affairs a thought too high, had so fatal a diversion from his studies. But what one is excellent in every thing? Now the Arch-Bishop thus professedly owning the Protestant Cause, and having so potent an influence upon the King, it was no wonder if he became formidable to the Romanists, as *Hannibal* was to the Romans; (and where *Hannibal* was, there his Enemies judged the



‘the *Life and Soul* of the *Carthaginian* strength to reside; and so by  
‘consequence his destruction, the main concernment of their in-  
‘terest.

16 Carol.

**W**Hereas the large Discovery before mentioned takes notice, that  
the Pope had given a Command to his *Nuntio* sent into *En-  
gland*, to make offer of a Cardinals Cap to the Arch-Bishop of *Canter-  
bury* in the Name of the Pope; which offer, till this discovery, was not  
known: but the Arch-Bishop in his Diary (found among his Pa-  
pers in the *Tower* about two years after the said discovery) doth  
make some mention concerning the same: *viz.* August 4. 1633, *At  
Greenwich*, saith he, *there came one to me seriously, and that avowed  
Ability to perform it, and offered me to be a Cardinal.*

And likewise *August 17. Saturday*, I had a serious offer made  
me again to be a Cardinal. I was then from Court, but as  
soon as I came thither (which was *Wednesday August 21.*) I ac-  
quainted his Majesty with it: But my Answer again was, That  
somewhat dwelt within me, which would not suffer that, till  
*Rome* were otherwise than it is.

The Arch Bishop having refused the Cardinals Cap, and the  
King having opened his mind so far, as that he was of opinion,  
that every one might be saved in his own Religion, so as he be an  
Honest and Pious man; they hastened to pass Sentence against  
the King, who was to be cut off by Poyson.

*Sr. Kenelme Digby and Mr. Walter Mountague their exa-  
minations at the Barr of the House of Commons, concerning the  
Popes Nuntio, and the Papists Contribution to the War against  
the Scots, &c.*

**I**N *January 1640.* *Sr. Kenelme Digby* was called into the House of  
Commons, and being demanded several Questions concerning  
the Instructions dispersed to the Papists throughout *England* to lend  
Money to maintain the War against the *Scots*, and what Money was  
levied thereupon, and who were the Collectors, and how the Popes  
*Nuntio* came to be the chief man employed therein.

*Sr. Kenelme  
Digby and  
Mr. Mountague  
examined by  
the Parlia-  
ment.*

The Answer which he returned was to this purpose; ‘That he  
‘did consider before whom he did appear, and in whose presence he  
‘spake, the gravest and wisest Assembly in the whole World, whose  
‘Majesty is so great, that it might well disorder his thoughts, and  
‘impede his expressions; That he was suddenly surpris’d with unex-  
‘pected Questions; and apprehended there might be some dislike in  
‘that honourable House, of that which once he did conceive was an  
‘Act of Service and Merit. But since he is askt of things apart, he  
‘shall humbly represent what he can remember upon this occasion,  
‘and what may be satisfactory to the House. So he related the be-  
‘ginning of the business, and took along the Series as it went from  
‘step to step.

‘About two years since (said he) my self with some others had  
‘a meeting concerning this business upon my Lord of *Traquair*’s  
‘coming out of *Scotland*, and representing to the King some pro-  
‘ceedings

H h h h h h h h

An. 1640.



'ceedings there much to the disadvantage of his Majesties affairs ;  
 'inſomuch that his Maſteſty with the advice of his Council, declared  
 'a War againſt the *Scots*. And his Maſteſty did generally intimate,  
 'that his Neceſſities did require to be ſupplied in the going on with  
 'the War. This intimation of his Maſteſty was communicated to  
 'the ſeveral Judges of the Kingdom, to the Societies of the Inns of  
 'Court, to the Judges and others of the Civil Law, and to the City  
 'of *London* likewiſe ; and more eſpecially to the Clergy of *London*.  
 'Having theſe Examples before our eyes, we conſidering our ſelves  
 'as dutiful Subjects though Recuſants, might as Subjects in this  
 'caſe follow the good examples of Loyalty to our Prince, which the  
 'Learned and others of the Land had done before us. The Queen  
 'hereupon was pleaſed to recommend to thoſe who were Catholicks  
 'of this Kingdom, to ſhew themſelves as forward as others were in  
 'ſerving of the King ; and to each Catholick to ſpeak to his acquaint-  
 'tance to do the like. I was one of thoſe her Maſteſty ſpoke unto ;  
 'whereupon I confeſs I did both in example and ſpeeches with  
 'others, encourage them to make what Contribution they could.  
 'But how to convey this Money that ſhould be thus contributed to  
 'the Army, I found it very difficult ; conſidering it was to be gathered  
 'in ſeveral places of the Nation, and I had but little Correſpondency  
 'among the Catholicks of this Kingdom ; there was a Gentleman  
 'that did take upon him to ſupply that care of mine ; and that was  
 'Seigneur *Con*, who was Reſident here from the Pope I conceive to  
 'attend the Queen ; whoſe acquaintance with the particular Per-  
 'ſons of the Recuſants was beyond any others ; and meetings were  
 'generally kept at his Houſe, in order to the advancement of this  
 'buſineſs : he alſo took upon him to name the perſons in every Coun-  
 'ty who ſhould be the Collectors of the Money : and therefore we  
 'diſcourſed of Motives to induce them freely to contribute, ( The  
 'chief whereof was, that his Maſteſties Grace and Goodneſs had been  
 'much extended to Catholicks, conſidering how ſharp and Penal  
 'the Laws were againſt them ) and ſo to ſeek by way of gratitude  
 'upon this occaſion to make return anſwerable. Other Motives there  
 'were, which were drawn by Siegn. *Con*, which I was not acquainted  
 'with ; but he told me, he had ſent down ſuch Motives and Inſtructi-  
 'ons as he thought were fit inducements upon that occaſion. And  
 'as to the Queſtion, What perſons I conſulted withal, there were at  
 'the meeting ſeveral times Sr. *John Winter* the Queens Secretary,  
 'Sr. *Baſil Brookes*, Mr. *Mountague*, and one Mr. *Foſter*, who was a  
 'perſon Seigneur *Con* had particular confidence in. For the parti-  
 'cular ſumms received, I am not able to give a particular account,  
 'for my attendance was not long upon that ſervice. I remember  
 'Ten Thouſand Pounds at one time paid into the Exchequer, and  
 'Two Thouſand Pounds at another time ( for which Tallies were  
 'ſtruck ) collected from Recuſants in theſe Southern parts ; and  
 'Sir *Baſill Brookes* was nominated Treafurer ; he kept the account,  
 'and managed the buſineſs. He ſaid he had dealt clearly and can-  
 'didly with the Parliament, and declared as much as he knew in  
 'this buſineſs.

Mr. *Walter*



Mr. *Walter Mountague* being afterwards called in and examined at the Bar of the House of Commons, did acknowledge much of what was said by Sr. *Kenelm Digby* for the Motives and inducements to the raising of these Moneys; and that the whole transaction of the business was at *Seigneur Con's* house; and said that it is true, he is called the Popes *Nuntio*; but Mr. *Mountague* did not believe he was Commissionated by the Pope in that capacity; but rather that he comes from the Pope particularly to attend the Queens person, in order to matters of their Religion in reference to her Majesty alone.

About two dayes after Sr. *Kenelm Digby* was again called into the House, and demanded in what capacity *Seigneur Con* came into *England*, and how it came to pass, he coming immediately from the Pope, should be the principal in that business, and should so willingly undertake the engagement of two Kingdoms in a bloody War?

To this he made answer, 'How his acquaintance came to be so great in the Nation he could not tell; but sure he was, that his interest was greater than any interest Sr. *Kenelm Digby* had to advance the business; for the application was great unto him from Catholicks all over the Nation; that he doth not know of any particular Authority or Jurisdiction he had by any power from the Pope over the Catholicks of *England*, but as they say, he is a *Nuntio* or *Legat* of the Popes; though *Nuntio* is a word doth imply a different sense; for if he do but come to keep a Civil Correspondency between the Pope and the Queen, in that case he may be said to be a *Nuntio*: But whether he was an Agent, so as to carry any Jurisdiction from the Pope, he doth not know, he cannot speak it positive'y: he was willing to keep himself ignorant as much as he might of many things, having much less acquaintance with Catholicks, than is imagined he had. But as for Count *Rozetti*, he hath heard say, that he came with some Jurisdiction from the Pope; but had heard him (*Rozetti*) likewise say at *White-Hall*, that he did particularly renounce any such Jurisdiction in *England* as was reported he had from the Pope.

Mr. *Mountague* was again interrogated upon these Questions, and made answer much to the purpose that Sr. *Kenelm Digby* had done.

TO promote the afore said Contribution, the Queen wrote this Letter to be communicated to all the Roman Catholicks in *England*.

Henrietta Maria R.

WE have so good a belief of the Loyalty and affection of his Majesties Catholick Subjects, as we doubt not but upon this Occasion that hath called his Majesty into the Northern parts for the Defence of his Honour and Dominions, they will express themselves so affected as We have alwayes represented them to his Majesty: So in this Common Consent which hath appeared in the Nobility, Judges, Gentry and others, to forward his Majesties service by their Persons and Estates, We have

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made

The Queens  
Letter to the  
Papists about  
Contributions.

An. 1640.

made no difficulty to answer for the same Correspondency in his Catholick Subjects as Catholicks, notwithstanding they have already concurred to this his Majesties service according to the quality whereof they are, when others of the same quality were called upon: For We believe that it became Us, who have been so often interess'd in the solicitation of their benefits, to shew Our selves now in the perswasion of their Gratuities. Therefore having already by his Majesty by other means recommended to them this earnest desire of Ours to assist and serve his Majesty by some considerable sum of Money freely and cheerfully presented, We have thought fit (to the end that this Our desire may be the more publick and more authoris'd) hereby to give you Commission and direction to distribute Copies under Our hand of this testification thereof unto those that have met in London by Our direction about this business, and unto the several Collectors of every County. And as We presume, the sum they will raise, will not be unworthy Our presenting to the King; so shall We be very sensible of it as a particular respect to Our selves, and will endeavour in the most efficacious manner we can, to improve the merit of it, and to remove any apprehension of prejudice that any (who shall employ themselves towards the success of this business) may conceive: By this they may be assured that We will secure them from all such objected Inconveniencies. And We are very confident, that this Our first Recommendation will be so complied withal, as may not only afford us particular satisfaction, but also facilitation towards their own Advantages.

IN pursuance of her Majesties Letter, Mr. Walter Mountague and Sr. Kenelme Digby wrote to some of the principal of that Party as followeth:

Mr. Mountague  
& Sr. Kenelme  
Digby's Letter  
on the same  
occasion.

IT is sufficiently already known to every one, what extraordinary Graces and protections we owe the Queens Majesty, to whose favourable intercession we must ascribe the happy moderation we live under: So as we doubt not, but an occasion of the expression of our Gratuities will very joyfully be embraced by every body in this present estate of his Majesties affairs. We have already by our former Letters endeavoured to prepare you to a cheerful assistance of his Majesty in his declared Journey to the Northern parts, for the securing of this Kingdom, and such other purposes as his Royal Wisdom shall resolve of, that so you may really demonstrate your selves as good Subjects as God and Nature requires of you. Now her Majesty hath been graciously pleased to recommend unto us the expressions of our duties and zeal to his Majesties service, by some considerable Gift from the Catholicks, and to remove all scruples (that even well affected persons may meet with,) she undertakes to secure us and all that shall employ themselves in this business, from any inconvenience that may be suspected by their or our forwardness and declaration in this kind. It will easily appear to every body, how much it imports us in our sense of his Majesties desires, to presse every body to strain himself even to his best abilities in this proposition, since by it we shall certainly preserve his gracefulness to us, and give good Characters of our devotion to the King and State, of whose benignity we have all reason to give testimonies, and to endeavour to produce Arguments for the prosecution and encrease of it.

Now for the best expedition of this business (which is the chief Circumstance that importeth in it) we have thought fit to recommend it to

your



your Nominations of such persons as shall in your opinions be agreed for the ablest and best disposed in every several County, not only to sollicite, but collect such voluntary Contributions, as every bodies Conscience and duty shall proffer. And we shall desire you to give us an account of what acceptance this finds; which we cannot but expect very successful and answerable to the forwardness we meet with here about London; for which we shall offer up our prayers to God.

W. Mountague,

Ke. Digby.

**A** Nother Letter was sent from those assembled at London to some of the Romish Clergy, with instructions inclosed to be delivered by them to such persons as they concerned in order to the same business.

**T**He inclosed Advices and Motives being so ample, as you will perceive by perusing them, it will not be needful that we enlarge ourselves upon any particulars concerning the conduct of the business which they direct the way in: this therefore serveth only to convey them to you (as we are intreated by those that have met here, and have undertaken to do) and desire you to repair immediately unto those persons unto whom they be directed, and to deliver the same unto them in the name of all the Noble-men and Gentry (together with our selves) assembled here at London by the Queens commandment, to set forward this work. And we pray you assure them in the most efficacious manner you can (engaging all our Credits for the Trust thereof) that it is the sense of us all, both Ecclesiastical and Lay persons, that besides the discharging of their and our duties to God and the King, it mainly importeth the good of the Catholicks, to have their business take good success. Therefore intreat them to deal Actively and Efficaciously and speedily according to these Advices and Motives. We are so well perswaded of their devotion to put forward so pious a work, that we doubt not, but they will be as well satisfied in the needfulness of the thing, and be as ready to employ themselves in it, receiving the assurance thereof, and perswasions thereunto, only from our hands, as if they came by all the formal ways that can be imagined, which in a business of this nature cannot be expected. And although the Advices and Motives be directed only to the Lay Gentlemen, yet we desire you (and have answered for you) that you will employ your selves, and all those that depend upon you, sincerely to sollicite and dispose all their minds that you have relation unto, as powerfully as you can, to contribute cheerfully and bountifully upon this occasion; which as it is the first that ever we laboured in of this kind, so we hope in God it will be the last; there being no probability of so pressing and urgent Necessity to occur any more.

16 Caroli.



A Letter from some assembled at London, about the same business.

The

An. 1640.

*The Remonstrance of both Houses of Parliament unto the King,  
delivered by the Lord Keeper, January 29. 1640.*

*May it please your Majesty,*

Concerning  
Priests and  
Jesuites.

27 Eliz. c. 2.

1 Jac. c. 4.

‘**Y**Our Loyal Subjects, the Lords and Commons now assembled by your Majesties Writ in the High Court of Parliament, humbly represent unto your gracious consideration, That *Jesuites* and *Priests* ordained by Authority from the *See of Rome*, remaining in this Realm, by a Statute made in the twenty seventh year of Queen *Elizabeth*, are declared Traytors, and to suffer as Traytors.

‘That this Law is not so rigorous, as some apprehend, or would have others to believe; for that it is restrained to the *natural born* Subjects only, and doth not extend to any strangers at all.

‘That it is enacted in the first year of King *James*, That all Statutes made in the time of Queen *Elizabeth* against *Priests* and *Jesuites*, be put in due and exact execution.

‘And for further assurance of the due execution of these Laws, the Statute of the third year of King *James* invites men to the discovery of the offenders, by rewarding them with a considerable part of the forfeiture of the Recufants estate.

‘So that the Statute of Queen *Elizabeth* is not only approved, but by the Judgement of several Parliaments in the time of King *James* of happy memory, adjudged fit and necessary to be put in execution.

‘That considering the state and condition of this present time, they conceive this Law to be more necessary to be put in strict execution, than at any time before; and that for divers weighty and considerable reasons: *viz.* for that by divers *Petitions* from the several parts of this Kingdom, *Complaints* are made of the great encrease of Popery and Superstition, and the people call earnestly to have the Laws against Recufants put in Execution; *Priests* and *Jesuites* swarm in great abundance in this Kingdom, and appear here with such boldness and confidence, as if there were no Laws against them.

‘That it appears unto the House of Commons by proof, That of late years about the City of *London*, *Priests* and *Jesuites* have been discharged out of Prison, many of them being condemned of High Treason.

‘They are credibly informed, That at this present the *Pope* hath a *Nuncio* or Agent resident in this City, and they have a just cause to believe the same to be true.

‘The Papists, as publickly, and with as much confidence and importunity resort to *Masse* at *Denmark-House* and at *St. James’s*, and the Embassadors Chappels, as others do to their Parish Churches: They conceive the not putting of these Statutes in execution against *Priests* and *Jesuites*, is a principal cause of the encrease of Popery.

‘That the putting of these Laws in execution, tendeth not only to the preservation and advancement of the true Religion established in this Kingdom, but also the safety of your Majesties Person, and



‘and security of the State and Government, which were the principal causes of the making of the Laws against Priests and Jesuites, as is manifestly declared in the Preamble of the Laws themselves, which are the best Interpreters of the minds of the Makers of them.

‘And because the words being penned by the Advice and Wisdom of the whole State, are much more full and clear, than any particular mans expression can be ; they were therefore read as they are vouched ; those of the twenty seventh year of Queen Elizabeth being thus : viz.

‘That the Priests and Jesuites come hither, not only to draw the Subjects from their true obedience to the Queen ; but also to stir up Seditious, Rebellion and open Hostility within the Realm, to the great endangering of the safety of her Royal Person, and to the utter ruine, desolation and overthrow of the whole Kingdom, if not timely prevented : and the tenour of the words of the third year of King James are in this manner : viz.

‘Whereas divers Jesuites and Priests do withdraw many of his Majesties Subjects from the true service of Almighty God, and the Religion established within this Realm to the Romish Religion, and from their loyal obedience to his Majesty ; and have of late secretly perswaded divers Recusants and Papists, and encouraged and emboldned them to commit most damnable Treasons, tending to the overthrow of the whole State and Common-wealth ; if God of his goodness and mercy had not within few hours of the intended execution thereof, revealed and disclosed the same.

‘The Houses did further inform, that some Jesuites and Priests had been executed in the time of Queen Elizabeth and King James of happy memory ; and when any of them have received mercy, it was in such a time, and upon such Circumstances, as that the same might be extended to them without danger ; whereas now of late, there hath been a great apprehension of endeavours by some ill Agents to subvert Religion : and at this present both Kingdoms have a general expectation of a thorough reformation.

‘And there is already found so ill a consequence of the late Reprieve of John Goodman the Priest ; that the House of Commons having sent to the Citizens of London for their assistance in the advancement of Money, for the present and necessary supply of his Majesties Army, and the relief of the Northern Counties ; upon this occasion, they have absolutely denied to furnish the same : and how far the like discontent may be effused into other parts of the Kingdom, to the interruption of the levying of the Subsidies, the Houses leave to your Majesties consideration. It is found that Goodman the Priest hath been twice formerly committed and discharged : That his residence now about London, was in absolute contempt of your Majesties Proclamation, as the Houses are credibly informed, that he hath been sometimes a Minister in the Church of England, and consequently is an Apostate : both Houses are very sensible, that any man should presume to intercede with your Majesty in a case of so high a nature.

‘They

An. 1640.

‘ They humbly desire, that a speedy course may be taken for the  
‘ due execution of the Laws against the Priests and Jesuites, that all  
‘ mischiefs before mentioned may be timely remedied by your Ma-  
‘ jesties great Wisdom.

‘ And Lastly, That Goodman the Priest be left to the Justice of  
‘ the Law.

To which the King makes answer to this effect.

The Kings  
Answer.

**T**hat it was against his mind, that Popery or Superstition should any  
way encrease within this Kingdom; that he will restrain the same,  
by causing the Laws to be put in execution.

That he is resolved to provide against Jesuites and Papists, by setting  
forth a Proclamation speedily, commanding them to depart the King-  
dom within one Month; of which if they fail, or shall return, then they  
shall be proceeded against according to Law.

Concerning the Popes Nuntio (Rossetti) he hath no Commission, but  
only to retain Correspondency between the Queen and the Pope, in things  
requisite for the exercise of her Religion, which is warranted to her by the  
Articles of Marriage, which gave her a full liberty of Conscience: yet  
he hath perswaded her, that since the misunderstanding of that persons  
condition gives offence, she will within a time convenient remove him.

Moreover, he will take special care to restrain his Subjects from re-  
sorting to Mass at Denmark-House, St. James's, and the Chappels of  
Embassadors.

Lastly, Concerning Goodman, because he will avoid the inconvenience  
of giving so great discontent to his people, as his mercy may produce;  
therefore he doth remit his particular case to both Houses. But he de-  
sired them to take into their considerations, the inconvenience that may  
upon this occasion fall upon his Subjects, and other Protestants abroad;  
especially, since it may seem to other States to be a severity.

**W**hen the Author of these Collections came to the  
Press with this his Second Part, he had no intention  
to have gone further than to the third of Novem-  
ber 1640. but finding his Collections to end as the  
King and his Nobles came from York after the Great Council there  
broke up and arrived at London immediately before the Parlia-  
ment met; and finding the King in his Speech the first day at  
the opening of the Parliament, to take notice of the Proceedings at  
the Great Council, and at the Treaty at Rippon, the Author hath  
adventured to give an Account of some Proceedings of that Parlia-  
ment during the first six Months, where many Speeches were made  
concerning the State and Condition of the Kingdom, and the Grievances the People had undergone: some of which Speeches you have  
at large, and Abstracts of others of them, with some few Remar-  
kable Passages in the Parliament during that time.

The



The Kings Majesties Speech at the Opening of the Parliament at Westminster, Novemb. 3. 1640.

My Lords,

**T**He knowledge I had of the desires of my Scottish Subjects, was the cause of my calling the last Assembly of Parliament: wherein had I been believed, I sincerely think, that things had not fallen out as now we see. But it is no wonder, that men are so slow to believe that so great a Sedition should be raised on so little Ground. But now my Lords and Gentlemen, the Honour and Safety of this Kingdom lying so near at the stake, I am resolved to put my self freely and clearly on the love and affection of my English Subjects, as these of my Lords as did wait on me at York, very well remember I there declared.

Therefore my Lords, I shall not mention mine own Interest, or that support I might justly expect from you, till the Common safety be secured; though I must tell you, I am not ashamed to say, those Charges I have been at, have been meerly for the securing and good of this Kingdom, though the success hath not been answerable to my desires: therefore I shall only desire you to consider the best way both for the Safety and Security of this Kingdom; wherein there are two Parts chiefly considerable. First, The Chastising out of the Rebels; and Secondly, That other, in satisfying your just Grievances, wherein I shall promise you to concur so heartily and clearly with you, that all the World may see my Intentions have ever been and shall be to make this a Glorious and Flourishing Kingdom. There are only two things that I shall mention to you; First, The one is to tell you, that the Loan of Money which I lately had from the City of London, wherein the Lords that waited on me at York assisted me, will only maintain my Army for two Months from the beginning of that time it was granted. Now my Lords and Gentlemen, I leave it to your considerations, what Dishonour and Mischief it might be, in case for want of Money, my Army be disbanded before the Rebels be put out of this Kingdom. Secondly, The securing the Calamities the Northern People endure at this time, and so long as the Treaty is on foot: And in this I may say, not only they, but all this Kingdom will suffer the harm: therefore I leave this also to your consideration, for the ordering of these great affairs, whereof you are to treat at this time. I am so confident of your love to me, and that your care is for the Honour and Safety of the Kingdom, that I shall freely and willingly leave to you where to begin. Only this, that you may the better know the State of all the affairs, I have commanded my Lord Keeper to give you a short and free Account of these things that have happened in this Interim, with this Protestation, That if this Account be not satisfactory as it ought to be, I shall whensoever you desire, give you a full and perfect Account of every particular. One thing more I desire of you, as one of the greatest means to make this a happy Parliament, That you on your parts, as I on mine, lay aside all suspicion one of another, as I promised my Lords at York; It shall not be my fault, if this be not a happy and good Parliament.

The Kings  
Speech at the  
opening of  
the Parlia-  
ment.

An. 1640.

The Kings Majesties Speech in Parliament the fifth of November 1640. when he declared his Approbation of William Lenthall of Lincolns-Inn, Esq; to be Speaker.

My Lords,

**I** Do expect, that you will hastily make relation to the House of Commons of those great affairs for which I have called you hither at this time, and so the trust I have reposed in them; and how freely I put my self on their Love and Affections at that time: And that you may know the better how to do so, I shall explain my self as concerning one thing I spake the last day: I told you, that the Rebels must be put out of this Kingdom. Its true, I must needs call them so, so long as they have an Army that do invade us: And although I am under Treaty with them, and I under my Great Seal do call them my Subjects, and so they are too: But the State of my Affairs in short is this; Its true, I did expect when I did will my Lords and Great Ones at York, to have given a Gracious Answer to all their Grievances; for I was in good hopes by their Wisdoms and Assistances, to have made an end of that business. But I must tell you, that my Subjects of Scotland did so delay them, that it was not possible to end there: therefore I can no wayes blame my Lords that were at Rippon, that the Treaty was not ended; but must thank them for their pains and Industry: and certainly had they as much power as affections, I should by that time have brought these distempers to a happy Period: so that now the Treaty is transported from Rippon to London, where I shall conclude nothing without your knowledge, and I doubt not but by your approbation: for I do not desire to have this great Work done in a Corner; for I shall lay open all the steps of this Misunderstanding, and Causes of the great difference between me and my Subjects of Scotland; and I doubt not but by your assistance, to make them know their duty, and to make them return whether they will or no.

\* Since Lord Chancellor to King Charles the second, and was with the King at Oxford during the War.

\* Mr. Edward Hide, Of a Crying Grievance in the North.

My Lords,

**I** Am commanded by the Knights, Citizens and Burgeses of the House of Commons, to present to your Lordships a great and crying Grievance, which though it be complained of in the present pressures, but by the Northern parts, yet by the Logick and consequence of it, it is the Grievance of the whole Kingdom. The Court of the President of the North, or as it is more usually called, the Courts of York, which by the spirit and ambition of the Ministers trusted there, or by the natural inclination of Courts to enlarge their own Power and Jurisdiction, hath so prodigiously broken down the Banks of the first Channel in which it ran, as it hath almost overwhelmed that Countrey under the Sea of Arbitrary power, and involved the people in a Labyrinth of distemper, oppression and poverty.

Mr. Edward Hide, Of a crying Grievance in the North.

My



‘My Lord of *Strafford* came to that Government, in *December*  
 ‘4 *Caroli*, and since the Commission hath been three several times re-  
 ‘newed. But into that Commission of the 8 and 13 years of the King’s  
 ‘Raign, a new clause was inserted for the granting, sequestering and  
 ‘establishing possessions according to instructions, which crowded in  
 ‘a Mass of new exorbitant and intolerable power; our complaint is  
 ‘against this Commission it self, and against the whole body of  
 ‘those instructions.

‘The ninth Instruction requires an obedience to such Ordinances  
 ‘and determinations, as be or shall be made by the Council Table, or  
 ‘High Commission Court. A grievance of so transcendent a na-  
 ‘ture, that your Lordships noble Justice will provide a Remedy for  
 ‘it, with no less care than you would rescue the life and blood of the  
 ‘Common-Wealth. There are among them in the whole 58 in-  
 ‘structions, scarce one that is not against, or besides the Law.

‘Whether his Majesty may cantonize out a part of his Kingdom  
 ‘to be tryed by Commission, though according to the rules of Law,  
 ‘since the whole Kingdom is under the Laws and Government of  
 ‘the Court established at *Westminster*, and by this reason the several  
 ‘parts of the Kingdom may be deprived of that privilege, will not  
 ‘be now the question; That his Majesty cannot by Commission  
 ‘erect a new Court of *Chancery*, or a proceeding according to the  
 ‘rules of the *Star-Chamber* is most clear to all who have read *Magna*  
 ‘*Charta*, which allowed no proceedings, *nisi per legale iudicium Pari-*  
 ‘*um, & per legem terre.*

\* Geo. Lord Digby, Of Grievances in the West.

Mr. Speaker,

‘YOU have received now a solemn account from the most of  
 ‘the Shires of *England*, of the several grievances and oppressi-  
 ‘ons they sustain, and nothing as yet for *Dorsetshire*.

‘It’s true Mr. Speaker, the County of *Dorset* hath not digested its  
 ‘complaints into that formal way of Petition, which others (I see)  
 ‘have done. But the County of *Dorset* have intrusted their Com-  
 ‘plaints to my Partner and my delivery of them by word of mouth,  
 ‘unto this Honourable House, and there was given unto us in the  
 ‘County-Court the day of our election, a short memorial of the  
 ‘heads of them, which was read in the hearing of the Free-holders  
 ‘there present, who all unanimously with one voice signified upon  
 ‘each particular, that it was their desire, that we should represent  
 ‘them to the Parliament, which with your leave I shall do, and these  
 ‘they are.

‘1. The great and intolerable burthen of *Ship-money*, touching the  
 ‘legality whereof they are unsatisfied.

‘2. The many great abuses in pressing of Souldiers and raising  
 ‘moneys concerning the same.

‘3. The multitude of Monopolies.

‘4. The new Canon, and the Oath to be taken by Lawyers, Di-  
 ‘vines, &c.

‘5. The Oath required to be taken by Church-Officers, to pre-  
 ‘sent according to Articles new and unusual.

IIIIIIII 2

‘ Besides,

\* He was with  
 the King at  
*Oxford* during  
 the War.

Geo. Lord  
 Digby, Of  
 Grievances in  
 the West.

An. 1640.

He was with  
the King at  
Oxford during  
the War.

Sir Jo. Culpepper  
of Grievances in  
Kent, Monopolies  
&c.

‘ Besides this, there was likewise presented to us by a very considerable part of the Clergy of that County, a note of remembrance containing these two particulars.

‘ First, The imposition of a new Oath, required to be taken by all Ministers and others: which they conceive to be illegal, and such as they cannot take with a good conscience.

‘ Secondly, The requiring of a pretended benevolence, but in effect a *Subsidy*, under the penalty of suspension, excommunication and deprivation, all benefit of appeal excluded.

This is all we had particularly in charge.

\* Sir Jo. Culpepper, Of Grievances in Kent, Monopolies, &c.

Mr. Speaker,

‘ I Stand not up with the Petition in my hand as others have done before me, I have it in my Mouth, and in charge from them that sent me hither to present the Grievances of the County of *Kent*.

‘ 1. The great encrease of Papists by the remiss Execution of those Laws which are made to suppress them.

‘ 2. The intruding and countenancing of divers new Ceremonies in matters of Religion, as placing the Communion Table Altar-wise, and bowing or cringing to or towards the same.

‘ 3. A great Grievance by the Military Charges; 1. of Coat and Conduct Money. 2. The Inhanfing of the price of Gun-Powder, whereby the Trained Bands are discouraged in their Exercising.

‘ 3. The last Summer was Twelve Month a Thousand of our best Armes were taken from the Owners and sent into *Scotland*; The Compulsory way was this, if you will not send your Armes you shall go your selves, this had not wont to be done to the Trained Bands, a Militia of great strength and Honour, and of no charge to the King.

‘ The next Grievance is the *Canons*, besides the *Oath &c.* made by a Convocation that ended with the Parliament, yet afterwards the same men without any new Election were shuffled into a Sacred *Synod*, and without Parliament assumed unto themselves Power to make Laws, to grant Benevolence and to meddle with our Freehold concerning the same.

‘ The next Grievance is *Ship-money*, this cries aloud, it strikes the First-born of every Family, I mean our Inheritance. If the Laws give the King Power in any danger of the Kingdom whereof he is Judge, to impose what and when he please, we owe all that is left to the goodness of the King.

‘ There is one Grievance more, but it compriseth many, it is a nest of Wasps or swarm of Vermin which have over-crept the Land, I mean the Monopolies and Pollers of the People; these like the Frogs of *Egypt* have gotten Possession of our Dwellings, they sup in our Cup, they dip in our Dish, they sit by our Fire, we find them in the Wash-House and Powdring-Tub, they share with the Butler in his Box; They have Marked and Sealed us from Head to Foot, they will not abate us a pin; these are the *Leaches* that have sucked the Common-Wealth so hard that it is almost become Hectical

Mr. Waller,



\* Mr. Waller, Of Ship money, Judges, and Intermission of Parliaments.

16 Caroli.

\* He was sentenced to suffer death for adhering to R. Charles I.

My Lords,

THE Articles against Judge *Crawley* you have heard read, and they have told you how these *Brothers of the Coif* are become *fratres in malo*, how these Sons of the Law have torn out the Bowels of their Mother.

This Imposition of *Ship-money* springing from a pretended necessity, was it not enough that it was now grown Annual, but they must intail it upon the State for ever, at once making necessity inherent to the Crown, and slavery to the Subject? Necessity, which dissolving all Law, is so much more prejudicial to his Majesty, than to any of us, by how much the Law has invested his Royal State with a greater power, and ampler fortune; for so undoubted a truth it hath ever been, that Kings as well as Subjects are involved in the confusion which necessity produceth.

That this was a supposititious imposed necessity, and such as they could remove when they pleased; at the last Convention in Parliament, a price was set upon it, for twelve Subsidies you shall reverse this sentence; It may be said, So much Money would have removed the present necessity; but here was a Rate set upon future necessity, For Twelve Subsidies you shall never suffer necessity again, you shall for ever abolish that Judgement; here this Mystery is revealed, this visor of necessity is pulled off, and now it appears this Parliament of Judges had very frankly and bountifully presented his Majesty with Twelve Subsidies to be Levied on your Lordships, and the Commons. Certainly there is no privilege which more properly belongs to a Parliament, than to open the Purse of the Subject, and yet these Judges, who are neither capable of sitting among us in the House of Commons, nor with your Lordships, otherwise than as your assistants, have not only assumed to themselves this Privilege of Parliament, but presumed at once to make a present to the Crown of all that either your Lordships or the Commons of *England* do, or shall hereafter possess.

On every County a ship is Annually imposed, and who would not expect, but our Seas by this time should be covered with the number of our Ships; Alas, my Lords, the daily complaints of the decay of our Navy tell us how ill *Ship-money* hath maintained the Sovereignty of the Seas, and by many Petitions which we receive from the Wives of those miserable Captives at *Algier* (being between four and five thousand of our Countreymen) it doth evidently appear that to make us slaves at home is not the way to keep us from being made slaves abroad; so far has this Judgement been from relieving the present, or preventing the future necessity, that as it changed our real propriety into the shadow of a propriety, so of a feigned it hath made a real necessity.

Our known Discontents at home have been a concurrent cause to invite our Neighbours to visit us so much to the expence and trouble of both these Kingdoms.

And

Mr. Waller, Of Ship-money, Judges, and Intermission of Parliaments.

An. 1640.

‘ And here my Lords, I cannot but take notice of the most sad effects of this oppression, the ill influence it has had upon the ancient reputation and valour of the *English* Nation: and no wonder, for if it be true that oppression makes a wise man mad, it may well suspend the Courage of the Valiant. The same happened to the *Romans*, when for renown in Armes they most excelled the rest of the world; the story is but short, ’Twas in the time of the *Decemviri* (and I think the chief troublers of our State may make up that number:) the *Decemviri*, My Lords, had subverted the Laws, suspended the Courts of Justice, and (which was the greatest grievance both to the Nobility and People) had for some years omitted to assemble the Senate, which was their Parliament; This says the Historian, did not only deject the *Romans*, and make them despair of their Liberty, but caused them to be less valued by their Neighbours: The *Sabines* take the advantage and invaded them: and now the *Decemviri* are forced to call the long desired Senate, whereof the people were so glad, that *Hostibus belloque gratiam habuerunt*: This assembly breaks up in discontent; nevertheless the war proceeds, Forces are raised, led by some of the *Decemviri*, and with the *Sabines* they meet in the Field: I know your Lordships expect the event; my Authors words of his Countrey men are these, *ne quid ductu aut auspicio Decemvirorum prosperè gereretur, vinci se patiebantur*. They chose rather to suffer a present Diminution of honour, than by Victory to confirm the Tyranny of their new Masters. At their return from this unfortunate expedition, after some distempers and expostulations of the people, another Senate, that is a second Parliament is called, and there the *Decemviri* are questioned, deprived of their Authority, imprisoned, banished, and some lose their lives; and soon after this vindication of their Liberties, the *Romans* by their better success made it appear to the world, that liberty and courage dwell in the same breast, and are never to be divorced. No doubt, my Lords, but your Justice shall have the like effect upon this dispirited people; ’Tis not the restoration of our ancient Laws alone, but the restitution of our ancient Courage which is expected from your Lordships.

\* Afterwards  
Lord Chan-  
cellour of  
England to  
K. Charles I.

Mr. Ed. Hide,  
Of Grievances  
by Judges  
in the case of  
Ship-money.

\* Mr. Edward Hide of Grievances by Judges in the case of Ship-money.

My Lords,

‘ There cannot be a greater Instance of a Sick and Languishing Common-Wealth, than the business of this day; Good God how have the Guilty these late years been punished, when the Judges themselves have been such delinquents! ’Tis no marvel that an Irregular, Extravagant, Arbitrary Power like a Torrent hath broke in upon us, when our Banks and our Bullworks, the Laws, were in the Custody of such Persons. Men who had lost their Innocence could not preserve their courage, nor could we look that they who had so visibly undone us, themselves should have the Vertue or Credit to rescue us from the oppression of other men. ’Twas said by one who alwayes spoke excellently, That the twelve Judges were like the twelve Lyons under the Throne of Solomon, under



‘under the Throne in obediences, but yet *Lyons*: Your Lordships  
 ‘shall this day hear of six, who (be they what they will be else)  
 ‘were no Lyons, but who upon vulgar Fears delivered up the Pre-  
 ‘cious Forts they were trusted with, almost without assault, and in  
 ‘a tame easie Trance of Flattery and Servitude, lost and forfeited  
 ‘(shamefully forfeited) that Reputation, awe and Reverence, which  
 ‘the Wisdom, Courage and Gravity of their venerable Predecessors  
 ‘had contracted and fastned to the places they now hold.

Lord Digby, Of Frequent Parliaments.

Mr. Speaker,

‘Surely there is no man but will conclude with me, that as the want  
 ‘of Parliaments hath been the *Causa Causarum*, of all the mischiefs  
 ‘and distempers of the present times: so frequency of Parliaments  
 ‘is the sole Catholick Antidote, that can preserve and secure us for  
 ‘the future from the like danger.

Lord Digby,  
 Of Frequent  
 Parliaments.

‘Let me yet draw my discourse a little nearer to his Majesty him-  
 ‘self, and tell you that the frequency of Parliament is most essential-  
 ‘ly necessary to the power, the security, the Glory of the King.

‘There are two wayes of powerful rule, either by fear or love, but  
 ‘one is of a happy and safe rule, that is by love.

‘To which *Camillus* advised the *Romans*, let a Prince consider what  
 ‘it is that moves a people principally to affection, and deareness to-  
 ‘wards their Sovereign, he shall see that there needs no other Artifice  
 ‘in it, than to let them enjoy unmolested what belongs unto them of  
 ‘right, and a wise Prince that would be happy, will fervently labour  
 ‘to regain Love.

\* Sir Benj. Rudyard, Of frequent Parliaments.

\* A Servant  
 to K. Charles I.  
 and Surveyor  
 General in  
 the Court of  
 Wards.

‘It hath been boasted, that the King should never Call a Parlia-  
 ‘ment till he had no need of his people; these were words of Di-  
 ‘vision, and malignity. The King must alwayes according to his  
 ‘occasions have use of his peoples power, hearts, hands, purses. The  
 ‘people will alwayes have need of the Kings Clemency, Justice, Pro-  
 ‘tection: And this reciprocation is the strongest, the sweetest  
 ‘Union.

Sir Benj. Rud-  
 yard, Of Fre-  
 quent Parlia-  
 ments.

‘It hath been said too of late, That a Parliament will take away  
 ‘more from the King, than they will give him. It may well be said,  
 ‘that those things which will fall away of themselves, will enable  
 ‘the Subject to give him more than can be taken any way; *Projects*  
 ‘and *Monopolies* are but leaking Conduit-pipes; The *Exchequer* it self  
 ‘at the fullest, is but a Cistern, and now a broaken one; frequent Par-  
 ‘liaments only are the Fountain: and I do not doubt but in this  
 ‘Parliament, as we shall be free in our advices, so shall we be the  
 ‘more free of our Purses, that his Majesty may experimentally find  
 ‘the real difference of better Counsels, the true solid grounds of  
 ‘raising and establishing his greatness, never to be brought again (by  
 ‘Gods blessing) to such dangerous, such desperate perplexities.

Lord

An. 1640.

Lord Digby,  
Of Intermission  
and breaking of  
Parliaments.

Lord Digby, Of Intermission and breaking of Parliaments.

‘AS it cannot be denied, Mr. *Speaker*, that since the Conquest, there hath not been in this Kingdom a fuller concurrence of all Circumstances, to have made a Kingdom happy, than for these twelve years last past; so it is most certain that there hath not been in all that deduction of Ages such a conspiracy (if one may so say) of all the Elements of mischief, to bring a flourishing Kingdom (if it were possible) to swift ruine and desolation.

‘I will be bold to say (and I thank God, we have so good a King, under whom we may speak boldly of the abuse by ill Ministers, without reflection upon his person) That an accumulation of all the publick Grievances since *Magna Charta*, put one upon another, unto that hour in which the *Petition of Right* past into an Act of Parliament; would not amount to so oppressive, I am sure not to so destructive a height and magnitude, to the rights and property of the Subject, as one branch of our bellowing, since the *Petition of Right*.

‘The branch I mean is the Judgement concerning *Ship-money*, this being a true representation of *England* in both aspects. As for unmatched oppression and enthralling of free Subjects in a time of the best Kings Reign, and in memory of the best Laws enacted in favour of Subjects liberty, let any man find a truer cause than the *ruptures* and *intermission of Parliaments*. Let him and him alone be against the settling of an inevitable way, for the frequent holding of them.

‘Tis true Sir, Wicked Ministers have been the proximate causes of our miseries; but the want of Parliaments the primary and the efficient cause.

‘Ill Ministers have made ill times, but that Sir hath made ill Ministers.

\* With the  
King at *Oxford* and slain  
at *Marston*  
Fight.

Lord Faulk-  
land, Of Uni-  
formity.

\* Lord Faulkland, Of Uniformity.

‘THERE is a great stranger in *Israel* who knows not, that this Kingdom hath long laboured under many and great oppressions, both in Religion and liberty: and his acquaintance here is not great, or his ingenuity less who doth not both know and acknowledge, that a great if not a principal cause of both these, have been some Bishops and their adherents.

‘A little search will serve to find them to have been the destruction of unity, under pretence of Uniformity, to have brought in Superstition and Scandal, under the titles of reverence and decency, to have defiled our Church by adorning our Churches, to have slackned the strictness of that union which was formerly between us and those of our Religion beyond the Sea; an action as unpolitick as ungodly.

‘We shall find them to have tythed Mint and Anise, and have left undone the weightier work of the Law; to have been less eager upon those who damn our Church, than upon those, who, upon weak conscience and perhaps as weak reasons (the dislike of some commanded Garment, or some uncommanded posture) only abstained from it: Nay, it hath been more dangerous for men to go to some Neighbours Parish, when they had



'had no Sermon in their own, than to be obstinate and perpetual Re-  
'cassurs; while Muses have been said in security, a Conventicle hath  
'been a crime, and which is yet more, the conforming to Ceremo-  
'nies hath been more exacted, than the conforming to Christianity;  
'and we shall find them to have been like the Hen in *Esop*, which lay-  
'ing every day an Egg, with such a proportion of Barley, her Mistress  
'encreasing her proportion in hopes she would encrease her Eggs,  
'she grew so fat upon that addition, that she never laid more: so  
'though at first their preaching were the occasion of their preferment,  
'they after made their preferment the occasion of their not Preach-  
'ing.

16 Caroli

\* Mr. Bagshaw, *About Episcopacy.*

'I Do distinguish and suppose a twofold Episcopacy, the first in  
'*Statu puro*, as it was in the primitive times: the second in *statu cor-*  
'*rumpo*, as it is at this day, and is so intended and meant in the *London-*  
'*Petition*. Now I hold that Episcopacy in this latter sense is to be  
'taken into consideration, as a thing that trencheth not only upon  
'the right and liberties of the Subject (of which I shall have occasion  
'to speak hereafter) but as it is now, it trencheth upon the Crown  
'of *England* in these four particulars, wherein I know this house will  
'willingly hear me.

'First, It is maintained by the Bishop of *Exeter* in a Book, which  
'he hath writ to this purpose, that Episcopacy it self, both in the  
'office and in the Jurisdiction is, *jure divino*, of Divine Right;  
'which position is directly contrary to the Laws of *England*, of  
'which I will cite but two or three instead of many more. The  
'Statute of *Carlisle*, 35 Ed. 1. mentioned in *Caudries* case, in the fifth  
'report, saith, that the Church of *England* is founded in the stone of  
'Prelacy by the Kings of *England* and their Progenitors, which like-  
'wise appears by the first Chapter in *Magna Charta*, in these words,  
'*Concessimus Deo & Ecclesie Anglicane omnes libertates*, &c. and in the  
'twenty fifth year of *Edward 3.* in the French-Roll which I have seen,  
'there the Arch-Bishop and Clergy Petition the King for their Li-  
'berties, in these words thus Englished, *That for the Reverence of God*  
'*and holy Church, and of his Grace and bounty, he will confirm all these*  
'*liberties, privileges and rights, granted and given by him and his No-*  
'*ble Progenitors, to the Church by their Charters*: which plainly shew-  
'eth, that they have their Episcopal Jurisdiction from the Kings of  
'*England*, and not *jure divino*, by divine right: and this likewise is ac-  
'knowledged by themselves in the Statute of 37 H. 8. Cap. 17. that  
'they have their Episcopal jurisdiction, and all other Ecclesiastical  
'jurisdiction whatsoever, solely and only, by, from, and under the King.

'The second thing that is trenching upon the Crown, is this, That  
'it is holden at this day, that Episcopacy is inseparable to the Crown  
'of *England*; and therefore it is commonly now said, *no Bishop no*  
'*King, no Mitre no Scepter*; which I utterly deny, for it is plain and  
'apparent, that the Kings of *England* were long before Bishops, and  
'have a subsistence without them, and have done and may still de-  
'pose them.

'The third is likewise considerable, as trenching upon the Crown,  
'which is that was said under the Gallery, that Episcopacy was a

K k k k k k k k

'third

\* He was with  
the King at  
*Oxford* during  
the War.

Mr. Bagshaw,  
about Episco-  
pacy.

An. 1640.

‘third Estate in Parliament; and therefore the King and Parliament  
 ‘could not be without them. This I utterly deny; for there are  
 ‘three Estates without them, as namely, the King, who is the first  
 ‘Estate; the Lords Temporal the second, and the Commons the  
 ‘third; and I know no fourth Estate. Besides the Kings of *England*  
 ‘have had many Parliaments, wherein there have been no Bishops  
 ‘at all: as for example, *Ed. 1. 24.* of his Reign held his Parliament  
 ‘at *Edmundsbury exclusio Clero*; and in the Parliament *7 Rich. 2. cap. 3.*  
 ‘and *7 R. 2. 12.* it doth appear, that they were enacted by the King,  
 ‘with the assent and agreement of the Lords Temporal and Com-  
 ‘mons, where the Estates of Parliament are mentioned, and not the  
 ‘Clergy. Divers other Statutes might likewise be named to this  
 ‘purpose, which I omit.

‘The fourth and last thing, is of the Bishops holding of the Ec-  
 ‘clesiastical Courts in their own Names, and not in the Name of the  
 ‘King, nor by Commission from him, contrary to the Statute of  
 ‘*1 Ed. 6. cap. 2.* and contrary to the practice of Bishop *Ridley*, *Cover-*  
 ‘*dale* and *Ponnet*, who took Commissions from the King, for hold-  
 ‘ing their Ecclesiastical Courts, as may be seen this day in the  
 ‘Rolls.

‘And although it will be objected, That by a late Proclamation  
 ‘in the year of our Lord God 1637. wherein the Opinion of the  
 ‘Judges is mentioned, it is declared upon their Opinion, That the Act  
 ‘of *1 Ed. 6.* was repealed, and that Bishops may now keep Courts  
 ‘in their own Names, and send Process under their own Seals; yet  
 ‘it is well known, that the Statute of *1 Queen Mary*, which repealed  
 ‘the Statute of *1 Ed. 6.* was it self repealed by the Statute of *1 Jac.*  
 ‘*cap. 25.* Whereupon it was holden upon a full debate of this  
 ‘point in Parliament *7 Jac.* which I have seen, That upon considera-  
 ‘tion of the Statutes of *1 Jac.* and *1 Eliz. cap. 1.* and *8 Eliz. cap. 1.*  
 ‘that the Statute of the first of *Edward* the sixth was revived, and  
 ‘that Bishops ought not to keep Courts in their own Names: so  
 ‘that for these Reasons so nearly concerning the Right of the  
 ‘Crown of *England* in the point of Episcopacy, I am for a thorough  
 ‘Reformation of all Abuses and Grievances of Episcopacy; which  
 ‘Reformation may perhaps serve the turn, without alteration of the  
 ‘Government of *England*, into a form of Presbyterie, as it is in other  
 ‘Kingdoms, of *Scotland*, *France*, *Geneva* and the *Low Countreys*;  
 ‘which for mine own part, had I lived in these Kingdoms, I should  
 ‘have been of the opinion of the Protestant Party in point of  
 ‘Presbyterie, &c.

### Sr. Benjamin Rudyard about Church Government.

Benjamin Rudyard  
 Church Go-  
 vernment.

‘Certainly Sir, This Superintendency of eminent men, Bishops  
 ‘over divers Churches, is the most Primitive, the most spread-  
 ‘ing, the most lasting Government of the Church; wherefore  
 ‘whilst we are earnest to take away Innovations, let us beware we  
 ‘bring not in the greatest Innovation that ever was in *England*.

‘I do very well know, what very many do very frequently desire:  
 ‘But let us very well bethink our selves, Whether a popular Demo-  
 ‘cratical Government of the Church (though fit for other places) will  
 ‘be



'be either suitable or acceptable to a Regal Monarchical Government  
'of the State?

'Every man can say, (it is so common and known a Truth) That  
'sudden and great Changes both in Natural and Politick Bodies, have  
'dangerous operations. And give me leave to say, That we can-  
'not presently see to the end of such a consequence, especially in so  
'great a Kingdom as this; and where Episcopacy is so wrapped and  
'involved in the Laws and Life of it.

Sr. Ed. Deering about Episcopacy.

'GIVE me leave by word of mouth to interpose my thoughts of  
'Gods true Religion, which is violently invaded by two  
'seeming enemies; but indeed they are like *Herod* and *Pilate*, fast  
'friends for the destruction of truth: I mean the *Papists* for the one  
'part, and our *Prelating* faction for the other. Between these two  
'in their several progresses, I observe the concurrence of some few  
'parallels, fit as I conceive to be represented to this honourable House.

'First, With the *Papists* there is a severe *Inquisition*, and with us  
'(as it is used) there is a bitter *High Commission*; both these *contra fas*  
'& *jus* are Judges in their own case: yet herein *their* Inquisitors are  
'better than *our* High Commissioners: they (for ought I ever  
'heard) do not (*severe in suos*) punish for Delinquents and Of-  
'fenders, such as profess and practise their Religion, according as it  
'is established by the Laws of the Land, where they live.

'But with us, how many poor distressed Ministers, nay, how ma-  
'ny scores of them in a few years past have been suspended, degra-  
'ded and excommunicated, though not guilty of the breach of any  
'established Laws? The Petitions of many are here with us, more are  
'coming, all their prayers are in Heaven for their redress: Down  
'therefore with these Money-changers: they do confess Commuta-  
'tion of Penance; and I may therefore most justly call them so.

'Secondly, With the *Papists* there is a mysterious artifice; I mean  
'their *Index Expurgatorius*, whereby they clip the tongues of such  
'witnesses, whose evidence they do not like. To these I parallel  
'our late *Imprimators* Licensers for the Press, so handled, that Truth  
'is suppressed, and Popish Pamphlets fly abroad *cum privilegio*: wit-  
'ness the audacious Libells against true Religion, written by D. C.  
'D. D. D. P. D. M. D. S. D. S. D. R. and many more: I name no  
'Bishops, but I add &c. Nay, they are already grown so bold in  
'this new trade, that the most Learned Labours of our antient and  
'best Divines, must be new corrected and defaced with a *Deliator*,  
'by the supercilious Pen of my Lords young Chaplain, fit perhaps  
'for the Technical Arts, but unfit to hold the Chair for Divinity.

'But herein the *Roman Index* is better than our *English* Licences;  
'they thereby do prove the current of their own established Do-  
'ctrines, a point of Wisdom; but with us our Innovators by this  
'Artifice, do alter our settled Doctrines: nay, they do superinduce  
'points repugnant and contrary: and this I do affirm, and can take  
'upon my self to prove.

'One Parallel I have more, and that is this: Amongst the *Papists*  
'there is one acknowledged Pope, supream in honour over all, and  
'in power; from whose Judgement there is no appeal. I confess

An. 1640.

‘*Mr. Speaker*, I cannot altogether match a Pope with a Pope; yet  
 ‘one of the antient Titles of our *English* Primate, was *Alterius orbis*  
 ‘*Papa*; but thus far I can go (*ex ore suo*) it is in Print; he pleads  
 ‘fair for a *Patriarchal*, and for such a one whose Judgement (he be-  
 ‘forehand professeth) ought to be final; and then I am sure it ought  
 ‘to be unerring: Put these two together, and you shall find, that  
 ‘the final determination of a Patriarch, will want very little of a  
 ‘Pope; and then we may say, *mutato nomine de te fabula narratur*: he  
 ‘pleadeth Popeship under the name of a Patriarch; and I much fear  
 ‘the end and top of his Patriarchal plea, may be as that of Cardinal  
 ‘*Pool* his Predecessor, who would have two Heads, one *Caput Re-*  
 ‘*gale*, the other *Caput Sacerdotale*, a proud parallel to set up the  
 ‘Miter above the Crown.

‘But herein I shall be free and clear, if one there must be, be it a  
 ‘Pope, be it a Patriarch, this I resolve upon for mine own choice,  
 ‘*Procul à sove, procul à fulmine*, I had rather serve one as far as  
 ‘*Tyber*, than to have him come to me so near as the *Thames*: a Pope  
 ‘at *Rome* will do me less hurt, than a Patriarch may do at  
 ‘*Lambeth*.

‘I have done, and for this third Parallel, submit it to the Wis-  
 ‘dom and Consideration of this Grave Committee for Religion: In  
 ‘the meantime, I do ground my motion upon the former two, and  
 ‘it is this in brief.

‘That you would be pleased to select a Sub-Committee of four,  
 ‘six, eight, nine, or ten at the most, and to impower them for the  
 ‘discovery of the great numbers of oppressed Ministers, under the  
 ‘Bishops tyranny for these ten years last past: we have the Com-  
 ‘plaints of some, but more are silent; some are patient and will not  
 ‘complain; others are fearful and dare not; many dead, and many  
 ‘beyond the Seas, and cannot complain.

‘And in the second place, That the Sub-Committee may examine  
 ‘the Printers, what Books by bad Licence have been corruptly issued  
 ‘forth; and what good Books have been (like good Ministers) si-  
 ‘lenced, clipped or cropped.

‘The work I conceive, will not be difficult, but will quickly re-  
 ‘turn into your hands, full of weight.

This is my Motion.

### Sr. Benjamin Rudyard, about Episcopal Clergy.

*Mr. Speaker,*

Sr. Benj. Rudyard,  
 1640, about  
 Episcopal  
 Clergy.

‘I Do verily believe, that there are many of the Clergy in our  
 ‘Church, who do think the simplicity of the Gospel too mean  
 ‘a Vocation for them to serve in: They must have a specious, pom-  
 ‘pous, sumptuous Religion, with additionals of Temporal Great-  
 ‘ness, Authority, Negotiation: notwithstanding they all know bet-  
 ‘ter than I, that Fathers, School-men, Councils are against their  
 ‘mixing themselves in Secular affairs.

‘The *Roman* Ambition at length brings in the *Roman* Religion,  
 ‘and at last a haughty insolency even against Supream Power it self,  
 ‘if it be not timely and wisely prevented.

‘They have amongst them an Apophthegm of their own making,  
 ‘which is, No *Miter*, no *Scepter*; when we know by dear experi-  
 ‘ence,



'ence, that if the Miter be once in danger, they care not to throw  
'the Scepter after ; to confound the whole Kingdom for their  
'interest.

16 Caroli.

'And Histories will tell us , That whensoever the Clergy went  
'high, Monarchy still went lower ; if they could not make the Mo-  
'narch the Head of their own Faction, they will be sure to make  
'him less : Witness one example for all, the Popes working the  
'Emperour out of *Italy*.

'Some of ours, as soon as they are Bishops, *adepto sine cessat Motus*,  
'they will preach no longer ; their Office then is to Govern. But  
'in my opinion they govern worse than they preach, though they  
'preach not at all ; for we see to what pass their Government hath  
'brought us.

*A Branch of the Lord Digby's Speech about Episcopacy.*

*Mr. Speaker,*

'I Know it is a tender subject I am to speak of, wherein I believe  
'some within these Walls, are engaged with earnestness in con-  
'trary opinions to mine ; and therefore it will be necessary, that in  
'the first place I beseech the patience of this House, that they will  
'be pleased to hear me without interruption, though somewhat I  
'say should chance to be displeasing ; I hope there will be somewhat  
'from me ere I conclude, that may be of service to this House.

Lord Digby,  
about Episco-  
pacy.

'Sir, If I thought there were no further design in the desires of  
'some, that this *London Petition* should be committed, than merely  
'to make use of it as an *Index* of Grievance, I should wink at the  
'faults of it, and not much oppose it.

'There is no man within these Walls, more sensible of the heavy  
'Grievance of Church Government, than my self ; nor whose affe-  
'ctions are more keen to the clipping of those wings of the Prelates,  
'whereby they have mounted to such insolencies, nor whose zeal is  
'more ardent to the searing them, so as that they may never spring  
'again.

'But having reason to believe, that some aim at a total extirpation  
'of Bishops, which is against my heart, and that the committing of  
'this Petition may give countenance to that design, I cannot restrain  
'my self from labouring to divert it, or at least, to set such notes  
'upon it, as may make it ineffectual to that end.

'Truly Sir, When this Petition was first brought into the House, I  
'considered it in its nature, in the manner of the delivery of it in  
'the present conjuncture of affairs, both Ecclesiastical and Civil, to  
'be a thing of the highest consequence that any Age hath presented  
'to a Parliament, and the same thoughts I have of it still.

'I profess I looked upon it then with terrour, as upon a Comet or  
'Blazing Star, raised and kindled out of the stench, out of the pov-  
'erous exhalation of a corrupted Hierarchy : Methought the Co-  
'met had a terrible tail with it, Sir, and pointed to the North ; the  
'same fears dwell with me still concerning it, ( and I beseech God  
'they may not prove Prophetical : ) I fear all the prudence, all the  
'forecast, all the vertue of this House, how unitedly soever collected,  
'how vigorously applied, will have a hard work of it. Yet to hin-  
'der this Meteor from causing such Distempers and Combustions by  
'his

An. 1640.



'his influence, as it then portended by its appearance; whatever  
'the event be, I shall discharge my Conscience against it, freely  
'and uprightly, as unbiass'd by popularity, as by any Court respects, &c.

Of *Episcopacy Jure Divino*, yet perhaps formalized by the  
Apostles.

A Branch of  
the Arch-Bi-  
shop of Can-  
terbury his  
Letter to  
D. Hall Bishop  
of Exeter.

**T**He rest of your Lordships Letter is fitter to be answered by my  
own hand, and so you have it; and since you are pleased so  
worthily and Brother-like to acquaint me with the whole Plot of your in-  
tended work, and to yield it up to my Censure and better Advice (so you  
are pleased to write) I do not only thank you heartily for it, but shall in  
the same Brotherly way, and with equal freedom put some few Animad-  
versions, such as occur on the suddain, to your further considera-  
tion, aiming at nothing but what you do, the Perfection of the work, in  
which so much is concerned.

And first for Mr. George Graham, I leave you free to work upon  
his business and his ignorance as you please, assuring my self, that you will  
not depart from the gravity of your self, or the cause therein. Next you  
say in the first Head, That *Episcopacy* is an *Antient, Holy and Divine*  
*Institution*. It must needs be *Antient and Holy*, if *Divine*: Would it  
not be more full, went it thus? So *Antient* as that it is of *Divine Insti-*  
*tution*. Then you define *Episcopacy* by being joyned with *Imparity*, and  
*Superiority of Jurisdiction*: this seems short, for every *Arch-Presbyters*, or  
*Arch-Deacons* place is so; yea, and so was Mr. Henderfon in his Chair at  
Glasgow; unless you will define it by a distinction of *Order*: I draw the  
*Superiority* not from that *Jurisdiction* which is attributed to *Bishops Jure*  
*Positivo*, in their Audience of Ecclesiastical Matters, but from that  
which is *Intrinsical and Original* in the Power of *Excommunication*.

Since they challenge their *Presbyterian Fiction* to be *Christs Kingdom*  
and *Ordinance* (as your self expresth) and cast out *Episcopacy* as op-  
posite to it, we must not use any *Mincing terms*, but unmask them plainly:  
nor shall I ever give way to hamper our selves for fear of speaking plain  
truth, though it be against *Amsterdam* or *Geneva*: and this must be  
sadly thought on. Concerning your *Postulata*, I shall pray you to allow  
me the like freedom: among which, the two first are true; but (as ex-  
prest) too *Restrictive*: for *Episcopacy* is not so to be asserted to *Apostoli-*  
*cal Institution*, as to bar it from looking higher, and from fetching it *Ma-*  
*terially and Originally* in the ground and intention of it, from *Christ him-*  
*self*; though perhaps the *Apostles* Formalized it. And here give me leave  
a little to enlarge. The *Adversaries* of *Episcopacy* are not only the *furi-*  
*ous Aerial Hereticks* (out of which are now raised *Prynne*, *Bastwick* and  
our *Scottish Masters*) but some also of a *Milder and Subtiller alloy*, both  
in the *Genevian* and *Roman Faction*; and it will become the *Church of*  
*England* so to vindicate it against the *furious Puritans*, as that we lay it  
not open to be wounded by either of the other two, more *Cunning* and more  
*Learned Adversaries*. Not to the *Roman Faction*; for that will be con-  
tent it shall be *Juris Divini Mediati*, by, from, for and under the *Pope*;  
that so the *Government* of the *Church* may be *Monarchical* in him; but not  
*Immediati*, which makes the *Church Aristocratical* in the *Bishops*. This is  
the *Italian Rock*, not the *Genevian*; for that will not deny *Episcopacy* to  
be *Juris Divini*; so you will take it ut *Suadentis vel Approbantis*, but not  
*Imperantis*; for then they may take and leave as they will, which is that  
they would be at.

Sr. Benjamin



Sir Benj. Rudyard, *About Religion.*

WE are here assembled to do Gods business and the Kings, in which our own is included, both as we are Christians, and as we are Subjects: Let us first fear God, then shall we honour the King the more: for I am afraid we have been the less prosperous in Parliaments, because we have preferred other matters before him: Let Religion be our *Primum querite*, for all things else are but *terrena* in respect of it; yet we may have them too, sooner and surer, if we give God his precedence.

We well know what disturbance hath been brought upon the Church, for vain and petty trifles. How the whole Church, the whole Kingdom hath been troubled where to place a Metaphor, an Altar. We have seen Ministers, their Wives, Children and Families undone against Law, against Conscience, against all Bowels of Compassion, about not dancing upon *Sundays*. What do these sort of men think will become of themselves, when the Master of the House shall come, and find them thus beating their fellow servants? These inventions were but sives made of purpose to winnow the best men, and that's the Devils occupation; They have a mind to worry preaching; for I never yet heard of any but diligent preachers that were vext with these and the like devices. They despise Prophecie, and as one said, they would fain be at something like the Mafs, that will not bite, (a muzzled Religion.) They would evaporate and dispirit the power and vigour of Religion, by drawing it out into solemn specious formalities, into obsolete, antiquated Ceremonies, new furbished up.

\* Mr. Grimston, *About Bishops Jurisdiction.*

Mr. Speaker,

There hath been since the last Parliament a *Smoot*, and in that *Smoot* a New Oath hath been made and framed, and enjoyned to be taken.

They might as well have made a new Law, and enjoyned the Execution of that, as enjoyned and urged the taking of the Oath not being Established by Act of Parliament; and in point of mischief, the safety of the Common-Wealth, and the freedom and Liberties of the Subject, are more concerned in the doing of the one, than in they had done the other.

The next exception I shall take to it, is to the matter contained in the Oath it self.

They would have us at the very first dash swear in a damnable Heresie, that matters necessary to salvation are contained in the Discipline of the Church.

Whereas Mr. Speaker, it hath ever been the tenet of our Church, that all things necessary to salvation are comprehended and contained in the Doctrine of our Church only. And that hath allwayes been used as an argument, until this very present, against

Sir Benj. Rudyard, *About Religion.*

\* Spoke in the House of Commons at his now Majesties Restoration, and afterwards his Majesty made him master of the Rolls.

Mr. Grimston, *About Bishops Jurisdiction.*

An. 1640.

Antidisciplinarians, to stop their mouths withal ; and that for that reason they might with the less regret and offence, confirm and submit themselves to the Discipline of our Church.

And for Prevention, in case the Wisdom of the State in this great Council, should at any time think fit to alter any thing in the Government of our Church, they would Anticipate and Foretell our Judgements by making us swear before hand, that we would never give our consent to any alteration.

Nay *Mr. Speaker*, they go a little further, for they would have us swear, that the Government of the Church by Arch-Bishops, Bishops, Deans, Arch-Deacons, &c. is *jure Divino* : their words are, as of right it ought to stand. Whereas *Mr. Speaker*, we meet not with an Arch-Bishop, or a Dean, or an Arch-Deacon in all the New-Testament : and whatsoever may be said of the Function of Bishops is one thing, but for their Jurisdiction it is meerly *Humana institutione*, and they must thank the King for it.

As for their gross, absurd &c. wherein they would have men swear they know neither what, nor how many fathom deep, there is neither Divinity nor Charity in it, and yet they would put that upon us.

What they meant and intended by this New Oath, and their Book of Canons, and their Book of Articles, which they would have our Church-Wardens sworn unto, to Enquire of, and to present thereupon, I must confess I know not, unless they had a purpose therein to blow up the Protestant Religion, and all the Faithful Professors of it, and to advance their Hierarchy a step higher, which I suppose we all fear is high enough already.

Sir Benj. Rudyard, *Of the King and Kingdoms business.*

*Mr. Speaker,*

Sir Benj. Rudyard,  
of the  
King and  
Kingdoms  
business.

NOW to the Kings business more particularly, which indeed is the Kingdoms ; for one hath no existence, no being without the other, their relation is so near ; yet some have strongly and subtilly laboured a divorce, which hath been the very bane of both King and Kingdom.

When Foundations are shaken, it is high time to look to the building : he hath no heart, no head, no soul, that is not moved in his whole man to look upon the distressed, the miseries of the Common-Wealth, that is not forward in all that he is, and hath, to redress them in a right way.

The King likewise is reduced to great straits, wherein it were undutifulness beyond inhumanity to take advantage of him : Let us rather make it an advantage for him, to do him best service when he hath most need, Not to see our own good, but in him and with him, else we shall commit the same crimes our selves, which we must condemn in others.

Lord



*Lord Faulkland, Of Ill Counsellours about the King.*

‘T hath often been said, and I think can never be too often repeated, That the Kings of *England* can do no wrong; but though they could, yet Princes have no part in the ill of those actions which their Judges assure them to be just, nor in what their Counsellours say are prudent, nor in what their Divines say are conscientious, if they mislead the King.

‘This consideration leadeth me to that which is more necessary at this season, than any farther laying open of our miseries; that is the way to the remedy, by seeking to remove from our Sovereign such unjust Judges, such pernicious Counsellors, and such conscientious Divines, as have of late years by their wicked practises, provoked aspersions upon the Government of the most gracious and best of Kings.

Lord Faulkland, Of Ill Counsellors about the King.

*Sir Benj. Rudyard, Of Evil Ministers of State.*

*Mr. Speaker,*

‘HIS Majesty is wiser than those that have advised him, and therefore he cannot but see and feel their subverting destructive Counsels, which speak lowder than I can speak of them: for they ring a doleful deadly knell over the whole Kingdom. His Majesty best knows who they are: for us let the matter bolt out the men; their actions discover them.

‘They are men that talk largely of the King’s Service, have done none but their own, and that’s too evident.

‘They speak highly of the King’s power, but they have made it a miserable power, that produceth nothing but weakness, both to the King and Kingdom.

‘They have exhausted the King’s Revenue to the bottom, and beyond.

‘They spent vast summs of money wastefully, fruitlessly, dangerously, so that more money without other Counsels will be but a swift undoing.

‘They have alwayes peremptorily pursued one obstinate pernicious course: first they bring things to an extremity, then they make that extremity of their own making, the reason of their next action, seven times worse than the former, and at this pass we are at this instant.

‘They have almost spoiled the best instituted Government in the world, for Sovereignty in a King, liberty to the Subject; the proportionable temper of both which, makes the happiest State for power, for riches, for duration.

‘They have unmannerly and slubberingly cast all their Projects, all their Machinations upon the King, which no wise or good Minister of State ever did, but would still take all harsh, distasteful things upon themselves, to clear, to sweeten their Master.

Sir Benj. Rudyard, Of Evil Ministers of State.

An. 1640.

‘They have not suffered his Majesty to appear unto his people  
‘in his own native goodness, but they have eclipsed him by their  
‘interposition : although gross condense bodies may obscure, and  
‘hinder the Sun from shining out, yet is he still the same in his  
‘own splendour. And when they are removed, all Creatures un-  
‘der him are directed by his light, comforted by his beams : But  
‘they have framed a superstitious seeming Maxime of State for their  
‘own turn ; That if a King will suffer men to be torn from him, he  
‘shall never have any good service done him ; when the plain truth  
‘is, that this is the surest way to preserve a King from having ill  
‘servants about him. And the Divine truth likewise is, *Take away*  
‘*the wicked from the King, and his Throne shall be established.*

‘Mr. Speaker, I confess I have now gone in a way much against  
‘my nature and somewhat against my custome heretofore used in  
‘this place. But the deplorable dismal condition both of Church and  
‘State, have so far convinced my judgment, as it hath wrought up-  
‘on my disposition ; yet am I not *vir sanguinis* ; I love no mans  
‘ruine ; I thank God I neither hate any mans person, nor envy any  
‘mans fortune ; only I am zealous of a thorow Reformation in a  
‘time that exacts, that extorts it. Which I humbly beseech this  
‘House may be done with as much lenity, as much moderation, as  
‘the publick safety of the Kingdom can possibly admit.

Lord Digby, For a Triennial Parliament.

Lord Digby,  
Of Triennial  
Parliaments.

‘**W**Hat Friendship, what Union can there be so comfortable,  
‘so happy, as between a Gracious Sovereign and his people ?  
‘and what greater misfortune can there be to both, than for them to  
‘be kept from intercourse, from the means of clearing misunder-  
‘standings, from interchange of mutual benefits ?

‘The People of *England* cannot open their ears, their hearts, their  
‘mouths, nor their purses to his Majesty, but in Parliament.

‘We can neither hear him, nor complain, nor acknowledge, nor  
‘give.

‘But a Bill for a Triennial Parliament is the sole Key that can open  
‘the way to a frequency of those reciprocal endearments, which  
‘must make and perpetuate the happiness of the King and King-  
‘dom.

‘Let no man object any derogation from the King’s prerogative  
‘by it. We do but present the Bill, ’tis to be made a Law by him,  
‘his honour, his power, will be as conspicuous, in commanding at  
‘once that a Parliament shall assemble every third year, as in com-  
‘manding a Parliament to be called this or that year ; there is more  
‘of his Majesty in ordaining primary and universal causes, than  
‘in the actuating particularly of subordinate effects.

‘I doubt not, but that glorious King *Edward* the third, when he  
‘made those Laws for the yearly calling of a Parliament, did it with  
‘a right sense of his dignity and honour.

‘The Kings of *England* never appear in their glory, in their splen-  
‘dour, in their Majestick Sovereignty, but in Parliaments.

‘Where



‘ Where is the power of imposing Taxes? where is the power of restoring from incapacities? where is the legislative Authority? in the King, but how? in the King circled in, fortified and surrounded by his Parliament.

‘ The King out of Parliament hath a limited and circumscribed jurisdiction, but waited on by his Parliament, no Monarch of the East is so absolute in dispelling grievances.

‘ *Mr. Speaker*, In chasing ill *Ministers* we do but dissipate Clouds that may gather again, but in voting this Bill for a Parliament every three years, we shall contribute as much as in us lyes, to the perpetuating our Sun, our Sovereign, in his Vertical, in his Noon-day lustre.

*Mr. Grimston, Of Grievances between the April and November Parliament, 1640.*

*Mr. Speaker,*

‘ I Shall pass from what was done the last Parliament, and come to what hath been done since that Parliament ended. There are some worthy Gentlemen now of this House, that were Members of the last Parliament, that carryed themselves in the matters and business then and there Agitated and Debated, with great Wisdom, and Unexampled Moderation. But what had they at last for all their pains, in attending the publick Service of the Common-Wealth? as soon as ever the Parliament was ended, their Studies and Pockets were search’d, as if they had been Fellons and Traytors, and they committed to several Gaols. Mr. Belasis, Sir John Hotham, and Mr. Crew sent to several Prisons.

*Mr. Grimston, Of Grievances between the April and November Parliament, 1640.*

*Mr. Edward Hide, Concerning the business of Knighthood.*

*My Lords,*

‘ IN the charge concerning Knighthood, Master *Maleverer* appears upon the Procefs of the Court, Pleads and submits to his Fine, *Ponit se in gratiam curie*. The Barons refuse to Impose any Fine, they had no power to do that, he must Treat with certain Commissioners appointed for that purpose, and Compound with them; Your Lordships have not met in the same men such contradictions of crimes; who would suspect the same men in one charge, to have the mettle to Usurp the Power, and Exercise the Jurisdiction of the Highest Court, the Court of Parliament, and presently to want the Spirit to do that which was so Restrained and Peculiar to their places to have done, as that none else could do it? They had no power to Fine! as if the sole business of sworn Judges in a Court of Law, were to summon and call men thither, and then to send them on Errands to other Commissioners for Justice.

*Mr. Edward Hide, Concerning the business of Knighthood.*

An. 1640.

‘The Commissions in *Edm. 1.* time granted to *Tiptoffe* and others, were and have been to compound with those who desired to compound, not otherwise; they had no power to Compel any, to Fine any; that trust by the Law was and is only in the Judges: so that if this Duty were a Right to his Majesty, and the persons Lyable refuse to compound, for ought these Judges can do, the King must lose his Duty, they can impose no Fine, only they have found a trick, which they call the Course of the Court (to make his Majesty a savor) Appear while you will, Plead what you will, submit to the mercy of the Court, Issues shall go on still, as if you did neither, till you have done somewhat the Court will not order you to do, nor is bound to take notice of when you have done: Your Lordships will help us out of this Circle, and that you may see how incapable they are of any excuse in this point, the very *Mittimus* out of the Chancery gives them expresse command among other things, *Ut fines omnium illorum qui juxta Proclamationem predict. Ordinem ante predict. diem suscepisse debuerunt, capiatis, &c.* ’Tis only worth your Lordships observation, this misfortune commonly attends (and may it ever) those absolute Disused Rights, that be the thing in it self in a degree Lawful, the Advisers and Ministers of it so fail in the Execution, that as it usually proves as grievous to the Subject, so by some circumstances it proves as Penal to the Instruments, as if it were in the very nature of the thing against all the Laws of Government.

*Lord Digby, Of the Convocation, and the Oath with an &c.*

Lord Digby, of  
the Convoca-  
tion and the  
Oath with an  
&c.

‘Concerning the Acts of that Reverend new Synod, made of an old Convocation, Doth not every Parliament mans heart rise, to see the Prelates thus usurp to themselves the grand Preheminence of Parliament? The granting of Subsidies, and that under so preposterous a name as of a *Benevolence*, for that which is a *Malevolence* indeed; a *Malevolence* I am confident in those that granted it against Parliaments: and a *Malevolence* surely in those that refuse it, against those that granted it; for how can it insinuate less? when they see wrested from them what they are not willing to part with, under no less a penalty, than the loss both of Heaven and Earth: of Heaven by excommunication; and of the Earth by deprivation; and this without redemption by appeal. What good Christian can think with patience on such an ensnaring Oath, as that which is by the new Canons enjoined to be taken by all Ministers, Lawyers, Physicians, Graduates in the Universities? where besides the swearing such an impertinence, as that things necessary to salvation are contained in Discipline besides the swearing those to be of Divine Right, which amongst the learned was never pretended to, as the Arch things in our Hierarchy: Besides, the swearing not to consent to the change of that, which the State may upon great reason think fit to alter: besides the bottomless perjury of an &c. Besides all this, men must swear that they swear freely and voluntarily what they are compelled unto: and lastly, that they swear that Oath in the literal sence, whereof no two of the makers themselves, that I have heard of, could ever agree in the understanding.

Mr. Grimston,



Mr. Grimston, Of Synods, Convocation, and the Oath &c.

Mr. Speaker,

‘They have in this Synod granted a Benevolence, but the nature of the things agrees not with the name, for in plain *English* it is *six Subsidies* to be paid by the Clergy in six years, and the Penalty they have imposed upon the refusers for non-payment, is to be deprived of their Functions, to be stript of their Free-hold, and to be Excommunicated: and this Act of their Synod is not Published amongst their Canons, for which they might have some colourable seeming Authority; but it comes out in a Book alone by it self in the *Latine Tongue*, supposing (as I conceive) that Laymen are as ignorant as they would have them; and thus they think they dance in a Net.

‘And as in this, so in most of their new Canons, if they be thoroughly considered, any judicious man may easily discern and perceive, that they do therein like Water-men that look one way and Row another, they pretend one thing, but intend nothing less; and certainly *Mr. Speaker*, in this they have flown to a high pitch, for a Synod called together upon a pretence of reconciling and settling Controversies and matters in Religion, to take upon them the boldness thus out of Parliament to grant Subsidies, and to meddle with mens Free-holds; I dare say the like was never heard of before, and they that durst do this will do worse, if the currant of their raging Tyranny be not stopt in time.

Mr. Grimston,  
Of Synods,  
Convocation,  
and the Oath  
&c.

Sir Benj. Rudyard, About Puritans.

‘*Romanist* hath bragged, and congratulated in print, That the face of our Church begins to alter, the language of our Religion to change. And *Sancta Clara* hath published, That if a Synod were held *non intermixtis Puritanis*, setting Puritans aside, our Articles and their Religion would soon be agreed. They have so brought it to pass, that under the name of *Puritans*, all our Religion is branded, and under a few hard words against Jesuites, all Popery is countenanced.

‘Whosoever squares his actions by any rule, either divine or humane, he is a Puritan, whosoever would be governed by the Kings Laws, he is a Puritan.

‘Their great work, their master-piece now, is, To make all those of the Religion to be the suspected party of the Kingdom. If we secure our Religion, we shall cut off and defeat many Plots, that are now on foot by them and others. Believe it Sir, Religion hath been for a long time, and still is, the great design upon this Kingdom; it is a known and practised principle, That they who would introduce another Religion into the Church, must first trouble and disorder the Government of the State, that so they may work their ends in a confusion which now lyes at the door.

Sir Benj. Rudyard,  
About  
Puritans.

Lord

An. 1640.

## Lord Digby, of Apostates to the Common-wealth.

Lord Digby,  
Of Apostates  
to the Com-  
mon-wealth.

‘**L** Et me appeal to all those that were present in this House, at the agitation of the *Petition of Right*, and let them tell themselves truly, of whose promotion to the management of affairs do they think, the generality would at that time have had better hopes, than of Mr. *Noy* and Sr. *T. Wentworth*? both having been at that time, and in that business, as I have heard, most keen and active Patriots; and the latter of them, the first mover and insister to have this Clause added to the *Petition of Right*, *That for the comfort and safety of his Subjects, his Majesty would be pleased to declare his will and pleasure, and that all his Ministers should serve him, according to the Laws and Statutes of the Realm.*

‘And to whom now can all the Inundations upon our Liberties under pretence of Law, and the late shipwrack at once of all our property, be attributed more, than to *Noy*? And those and all other mischiefs, whereby this Monarchy hath been brought almost to the brink of destruction, so much to any, as to that grand Apostate to the Common-wealth, the Lord Lieutenant of *Ireland*?

Mr. Grimston, concerning the Parliament which met in  
April 1640.

Mr. Grimston,  
Concerning  
the Parli-  
ment which  
met at  
Westminster,  
April 1640.

‘**T** Hese Petitions which have been now read, they are all Remonstrances of the General and Universal Grievances and Distempers that are now in the State and Government of the Church and Common-wealth: and they are not them alone, but his Majesties Gracious Expressions the first day of Parliament, that call me up to speak at this present, contrary to my own intentions.

‘His Majesty who is the Head of the Body Politick, and the Father of the Common-wealth, hath first complained, declaring his sensibleness of our sufferings; and amongst other things, hath put us in mind of our *Grievances*, and hath freely left it to our selves (for our Redress and Repair therein) to begin and end, as we shall think fit. And this draws me on with much cheerfulness and zeal, to contribute my poor Endeavours to so great a Work.

‘I conceive it will not be altogether impertinent, for your Direction and Guidance in that great place, which by the favour of his Majesty and the House you now possess, a little to recollect our selves, in the Remembrance of what was done the last Parliament, and where we ended.

‘It will likewise be very considerable what hath been done since that Parliament; and who they are that have been the Authors and Causes of all our Miseries and Distractions, both before and since.

Mr. Speaker,



‘*Mr. Speaker*, The last Parliament as soon as the House was settled, a Subsidiary Aid and Supply was propounded, and many Arguments used to give the Precedency before all other Matters and Considerations whatsoever.

‘On the other side, a multitude of Complaints and Grievances of all sorts, as well concerning our Eternal as our Temporal Estates, were presented and put in the other Ballance; the Wisdom of the great Council weighing both indifferently; and looking not only upon the dangers then threatened from *Scotland* (which are now upon us) but likewise taking into their Consideration, the Condition and Constitution of the present Government here at home, concluded that they were in no capacity to give, unless their Grievances were first redressed and removed.

‘It then was, and still is, most Manifest and Apparent, that by some Judgements lately obtained in Courts of Justice, and by some new wayes of Government lately started up amongst us, the Law of Property is so much shaken, that no man can say, he is Master of any thing; but all that we have, we hold as Tenants by Court, refie, and at Will, and may be stript of it at pleasure.

‘Yet we were desirous to give his Majesty all possible Satisfaction and Contentment, as well in the manner of Supply for Expedition, as in the substance and matter of it: we confined and limited ourselves but to three particulars only, and to such matters as properly and naturally should have Reference and Relation to those three Heads.

- ‘1. The first was, The Priviledges of Parliament.
- ‘2. The second, Matters of Religion.
- ‘3. The third, The Propriety of our Goods and Estates.

‘And we began with the first, as the great Ark, in which the other two, Religion and Property are included and preserved.

‘*Mr. Speaker*, The Violations complained of the last Parliament, touching our Priviledges, were of two sorts: either such as had been done in Parliament, or out of Parliament.

‘Concerning the Violations of the first sort, it was Resolved by Vote, That the Speaker refusing to put a Question, being thereunto required by the House, or to Adjourn the House upon any Command whatsoever, without the Consent and Approbation of the House it self, were Breaches and Violations that Highly Impeached our Priviledges.

An. 1640.

Sir Ben. Rudyard, Of the Vertical Point.

Sr. Benjamin Rudyard, of the Vertical Point.

‘H Is Majesty hath clearly and freely put himself into the hands of this Parliament ; and I presume there is not a man in this House, but feels himself advanced in this high trust ; but if he prosper no better in our hands, than he hath done in theirs, who have hitherto had the handling of his affairs, we shall for ever make our selves unworthy of so gracious a confidence.

‘I have often thought and said, that it must be some great extremity, that would recover and rectifie this State ; and when that extremity did come, it would be a great hazard, whether it might prove a remedy, or ruine. We are now *Mr. Speaker*, upon that Vertical Point, and therefore it is no time to palliate ; for this will but foment and hasten our own undoing.

\* Mr. Denzill Hollis created a Baron by King Charles the second, & sent Embassadour into France.

\* Mr. Hollis, about the Integrity of a Judge.

My Lords,

Mr. Hollis, About the Integrity of a Judge.

‘T Hese Gentlemen have represented unto your Lordships, the sad object of Justice perverted, Liberty oppressed, of Judgement turned into Wormwood ; the Laws, which should be the barrs of our Gates, to protect us, keep us, and all that is ours in safety, made weak and impotent, to betray us unto the hands of violence, instead of props to support us ; become broken reeds to deceive us, and run into our sides when we lean upon them, even so many snares to entrap and entangle us.

‘And all this by the perfidioulness of those who are entrusted with our Laws, who call themselves the Guardians and Interpreters of the Law : but by their accursed glosses have confounded the Text, and made it speak another language and another sense, than ever our Ancestors the Law-makers intended.

‘But what honour then is he worthy of, who meerly for the publick, hath suffered himself to be divested and deprived of his particular interest ; such a Judge, as would lose his place, rather than do that which his Conscience told him was prejudicial to the Common-wealth, Is not he worthy of double honour ?

‘And this did that Worthy Reverend Judge, the Chief Judge of England at that time, Sr. Randol Crew, because he would not, by subscribing, countenance the Loan in the first year of the King, contrary to his Oath and Conscience, he drew upon himself the displeasure of some great persons about his Majesty, who put on that Project, which was afterwards condemned by the *Petition of Right*, in the Parliament of *Tertio*, as unjust and unlawful, and by that means he lost his place of Chief Justice of the *Kings Bench*, and hath these fourteen years, by keeping his innocency, lost the profit of that Office, which upon a just calculation, in so long a revolution of time, amounts to 26000 *l.* or thereabouts.

‘He



‘He kept his innocency, when others let theirs go ; when him-  
 ‘self and Common-wealth were alike deserted, which raises his  
 ‘merit to a higher pitch : For to be honest when every body else is  
 ‘honest, when honesty is in fashion, and is Trump (as I may say)  
 ‘is nothing so meritorious : but to stand alone in the breach, to own  
 ‘honesty when others dare not do it, cannot be sufficiently applau-  
 ‘ded, nor sufficiently rewarded. And that did this good old man  
 ‘do, in a time of general desertion, he preserved himself pure and  
 ‘untainted.

*My Lords* , The House of Commons are therefore Suiters unto  
 ‘your Lordships, to joyn with them in the representation of this  
 ‘good mans case unto his Majesty, and humbly to beseech his Majesty  
 ‘to be so good and gracious unto him, as to give him such honour,  
 ‘( the quality of this case considered ) as may be a noble mark of  
 ‘Sovereign Grace and Favour, to remain to him and his posterity,  
 ‘and may be in some measure a proportionable compensation for the  
 ‘the great loss he hath with so much patience and resolution  
 ‘sustained.

*The Lord Andever, concerning the Star-Chamber.*

*My Lords,*

‘Since your Lordships have already looked so far into Priviledges  
 ‘of Peers, as to make a strict Inquisition upon Foreign Honors :  
 ‘let us not destroy that among our selves, which we desire to pre-  
 ‘serve from Strangers.

The Lord  
 Andever, Con-  
 cerning the  
 Star-Chamber.

‘And if this Grievance I shall move against, have slept till now ;  
 ‘it is very considerable, lest custom make it every day more appa-  
 ‘rent than other : your Lordships very well know, there was a Sta-  
 ‘tute framed 3 Hen. 7. authorizing the Chancellor, Treasurer and  
 ‘Privy Seal, and the two Chief Justices, calling to them one Bishop,  
 ‘and a Temporal Lord of the Kings Council, to receive Complaints  
 ‘upon Bill of Information, and Cite such parties to appear as stand  
 ‘accused of any Misdemeanour ; and this was the Infancy of the  
 ‘Star-Chamber : but afterwards the Star-Chamber was by Cardinal  
 ‘Woolsey 8 H. 8. raised to mans estate : from whence ( being now  
 ‘altogether unlimited ) it is grown a Monster, and will hourly  
 ‘produce worse effects, unless it be reduced by that hand which laid  
 ‘the foundation : for the Statutes that are ratified by Parliament, ad-  
 ‘mit of no other than a repeal.

‘Therefore I offer humbly unto your Lordships these ensuing Rea-  
 ‘sons, why it should be repealed.

‘First, The very words of the Statute clearly shew, that it was  
 ‘a needless Institution ; for it sayes, They who are to Judge, can  
 ‘proceed with no Delinquent otherwise than if he were convicted  
 ‘of the same crime by due process of Law.

‘And do your Lordships hold this a rational Court, that sends  
 ‘us to the Law, and calls us to the Law, and calls us back from  
 ‘it again ?

M m m m m m m m

‘Secondly,

An. 1640.

' Secondly, Divers Judicatories confound one another, & in  
' *peffima republica plurime leges.*

' The second Reason is, from Circumstance, or rather à *consuetu-*  
' *dine*; and of this there are many examples both domestick and  
' foreign: but more particularly, by the Parliaments of *France* ab-  
' breviated into a standing Committee by *Philip* the King, and conti-  
' nued according to his institution until *Lewis* the Eleventh came to  
' the Crown, who being a Subtil Prince, buried the Volume in the  
' Epitome: for to this day, when ever the three Estates are called,  
' either at the death of the old King, or to Crown the new, it is a  
' common Proverb, *Allons voire le van des estates.* My Lords, Arbi-  
' trary Judgements destroy the Common Laws, and in them the two  
' great Charters of the Kingdom; which being once lost, we have  
' nothing left but the Name of Liberty.

' Then the last Reason is, (though it was the first Cause of my  
' standing up) the great Eclipse it hath ever been to the whole No-  
' bility; for who are so frequently vexed there, as Peers and Noble-  
' men? and notwithstanding their Appeal to this Assembly is ever  
' good, whilst that famous Law of the 4 *Ed. 3.* remains in force for  
' the *holding of a Parliament once a year*, or more if occasion require:  
' yet who durst a year ago mention such a Statute, without the in-  
' curring the danger of Mr. \* *Kilverts* persecution? Therefore I  
' shall humbly move your Lordships, that a select Committee of a  
' few may be named to consider of the Act of Parliament it self, and  
' if they shall think it of as great prejudice as I do, that then the  
' House of Commons in the most usual manner may be made ac-  
' quainted with it either by Bill or Conference; who also happily  
' think it a burthen to the Subject; and so when the whole body of  
' Parliament shall joyn in one Supplication, I am confident his Ma-  
' jesty will desire that nothing shall remain in force, which his peo-  
' ple do not willingly obey.

\* An Infor-  
mer and Pro-  
secutor in  
that Court.

**T**HE Barons of the Exchequer being charged for not doing  
Justice to Mr. *Rolls* and other Merchants of *London*, who had  
their Goods seised upon in *November 4 Car.* by the Officers of the  
Custom-House, for refusing to pay the Subsidy of *Tonnage and*  
*Poundage.* And having sued out a Writ of *Replevin* directed to the  
Sheriffs of *London*, the Court awarded an Injunction, commanding  
the Sheriff not to execute the same, and denyed restitution.

The Offences of these Judges therein at the Delivery of their  
Impeachment to the House of Lords, were aggravated as to this case  
by Mr. *Edward Hide*, who spake to this effect:

*My Lords,*

Mr. *Hide's*  
Speech, con-  
cerning the  
Judges, Ton-  
nage and  
Poundage,  
&c.

' **T**HERE cannot be a greater Instance of a Sick and Languishing  
' Commonwealth, than the business of this day. Good God!  
' How have the guilty these late years been punished, when the  
' Judges themselves have been Delinquents. 'Tis no such marvail, that  
' an Irregular, Extravagant, Arbitrary Power, like a Torrent, hath  
' broke in upon us, when our Banks and our Bulwarks, the Laws,  
' were



‘were in the Custody of such Persons. Men who had lost their  
 ‘Innocence, could not preserve their courage : nor could we look,  
 ‘that they who had so visibly undone us, themselves should have the  
 ‘vertue or credit, to rescue us from the oppression of other men.  
 ‘’Twas said by one, who alwayes spoke excellently, That the twelve  
 ‘Judges were like the twelve Lyons under the Throne of *Solo-mo-n* :  
 ‘under the Throne in obedience, but yet Lyons. Your Lordships  
 ‘shall this day hear of Six, who (be they what they will be else)  
 ‘were no Lyons, who upon Vulgar fears delivered up the precious  
 ‘Forts they were trusted with, almost without assault ; and in a  
 ‘tame easie trance of Flattery and Servitude, lost and forfeited  
 ‘(shamefully forfeited) that reputation, awe and reverence, which  
 ‘the Wisdom, Courage, and Gravity of their Venerable Prede-  
 ‘cessors had contracted and fastened to the Places they now hold :  
 ‘And even rendred that Study and Profession (which in all Ages  
 ‘hath been, and I hope now shall be of an honourable estimation)  
 ‘so contemptible and vile, that had not this blessed day come, all  
 ‘men would have had that quarrell to the Law it self, which *Ma-  
 ‘rius* had to the Greek Tongue, who thought it a Mockery, for a  
 ‘man to learn that Language, the Masters whereof lived in bondage  
 ‘under others. And I appeal to these unhappy Gentlemen them-  
 ‘selves, with what a strange negligence, scorn and indignation the  
 ‘Faces of all men, even of the meanest, have been directed towards  
 ‘them, since (to call it no worse) that Fatal Declension of their  
 ‘understandings in those Judgements, of which they stand here  
 ‘charged before your Lordships. But, *my Lords*, the work of this  
 ‘day is the greatest instance of a growing and thriving Common-  
 ‘wealth too : and is as the dawning of a fair and lasting day of  
 ‘happines to this Kingdom : ’tis in your Lordships Power (and I  
 ‘am sure ’tis in your Lordships Will) to restore the dejected broken  
 ‘people of this Island to their former Joy and Security, the succes-  
 ‘sors of these men to their old Priviledge and Veneration, & *se-  
 ‘pultas prope leges revocare.*

‘As for that Presumptuous Decree against Mr. *Rolls* and others,  
 ‘and in truth, whatsoever Gloss they put upon it, it is no other than  
 ‘a plain Grant of the Subsidy of *Tonnage* and *Poundage* to his Majesty  
 ‘upon all Merchandize. After their Goods seized for Non-Payment  
 ‘of that pretended Duty the Proprietors brought *Replevins* (which  
 ‘is the Natural and Genuine Remedy appointed by Law in case of  
 ‘Property, and grounded upon Property) the Court awards an  
 ‘Injunction to stay these *Replevins*, the Goods were in the Kings  
 ‘Possession, and no *Replevin* would lye against the King.

‘Truly, *My Lords*, The Injustice here is not so scandalous as the  
 ‘Fraud : we all know, a *Replevin* (as in no other Suit) lyes against  
 ‘the King, if the Goods be in his own hands.

‘Here they found a Right, a known and unquestionable Right ;  
 ‘yet instead of assisting, took away the Remedy to preserve that  
 ‘Right. What shall we call these Judges?

‘*My Lords*, In this Argument I am not willing to say much : ’tis  
 ‘enough that your Lordships know, *Tonnage* and *Poundage* is not a  
 ‘Duty to the Crown, but a Subsidy, and so granted in *subsidiūm* some

*Tonnage and  
 Poundage.*

An. 1640.

\* This Gentleman was not at Oxford in time of War, as the Lord Falkland, &c. were.

Mr Rous part of his Speech concerning Dr. Mainwaring and the Altar Clergy.

'times *pro una vice tantum*; sometimes for years, and then ceased  
'when the time did expire; that when it was first granted for life,  
'it was with this Clause, *Ita quod non trahatur in Exemplum futuris*  
'*Regibus*: but 'tis abundantly enough known, that his Sacred Ma-  
'jesty cannot be tainted with the Advices and Judgements of these  
'men, but looks on this Duty singly as the meer affection and  
'bounty of his Subjects, the which no doubt he shall never want.

\* Mr Rous part of his Speech concerning Dr. Mainwaring and the Altar Clergy.

Y Our Lordships have heard of a great Design to bring in Pope-  
'ry, you have heard of Armies of Soldiers, and particularly  
'of the Popish *Irish* Army, the Burthen and Complaint of the Com-  
'mons. But there is another Army not so much spoken of, and  
'that is an Army of Priests: for since Altars came in, they delight  
'to be called Priests. It is a saying of Gregory the Great, that when  
'*Antichrist* comes, *Preparatus est exercitus Sacerdotum*; There is an  
'Army of Priests ready to receive him. This is fulfilled in our time:  
'for certainly this Army of Priests doth many wayes advance the  
'Design and Plot of Popery. A first is, by the subversion of our  
'Laws and Government: our Laws and Popery cannot stand to-  
'gether; but either Popery must overthrow our Laws, or our  
'Laws must overthrow Popery: But to overthrow our Laws, they  
'must overthrow Parliaments, and to overthrow Parliaments they  
'must overthrow Property; they must bring the Subjects Goods to  
'be arbitrarily disposed, that so there may be no need of Parliaments:  
'this hath been done by Doctor *Mainwaring*, (whom we find want-  
'ing yet not in the Seats, but in the Barr of the Lords House.)

'A second way by which this Army of Priests advanceth the Po-  
'pish Design, is the way of Treaty. This hath been both by Wri-  
'tings and Conference. *Sancta Clara* himself on his part, labours to  
'bring the Articles of our Church to Popery; and some of our side  
'strive to meet him in that way. We have a Testimony that the  
'Arch-Priest himself hath said, It were no hard matter to make a  
'Reconciliation, if a Wise man had the handling of it. But I ve-  
'rily believe, that as the State of Papacy stands, a far wiser man than  
'he cannot reconcile us, without the loss of our Religion. For  
'the Pope being fastned to his Errors, even by his Chair of Inerra-  
'bility, he sits still unmoved, and so we cannot meet, except we  
'come wholly to him. A man standing in a Boat tyed to a Rock,  
'when he draws the rope, doth not draw the Rock to the Boat, but  
'the Boat to the Rock. And *Sancta Clara* doth (in this somewhat  
'honestly) confess it; for he saith, that he dealt in this way of  
'Treaty, not to draw the Church to the Protestants, but the Prote-  
'stants to the Church.

'A third way is a way of Violence. This Violence they exer-  
'cise partly by Secular Arms, and partly Priestly Arms, which  
'they call Spiritual: for Secular Arms, we have their own con-  
'fession, that the late War was *Bellum Episcopale*; and we have the  
'Papists confession, that it was *Bellum Papale*; for in their motives  
'they



‘they say, that the war concerns them not only as Subjects, but as Catholics, for so they fally call themselves.

6 Caroli.

Mr. Plydal, about Episcopacy.

‘I Have heard, since I had the honour to sit here, many grievances presented, and truly Sir my heart bleeds within me when I think of them, especially those that concern Religion. But what should I speak of grievances concerning Religion, when Religion it self is become a grievance, nay the very nurse and mother of all grievances, all scandals, all reproaches?

Mr. Plydal,  
About Episcopacy.

*Tantum Religio potuit suadere malorum.*

‘Sir, Not to trouble you with any long discourse, if I have any sight, that Bark both of Church and State hath a long time floated betwixt Scylla and Charybdis, Popery on the one side, and I know not what to call it on the other; in many respects both alike dangerous, unless the Italian Proverb may alter the case, *God defend me from my reputed friends, and I will defend my self from my profest enemies.*

‘Sir, We are intrusted by God, the King and the Countrey, with the managing of this Bark, fraught with the fortunes of three great Kingdoms: Now should we so decline the former Rock, that we dash on the other side, I humbly offer it to this Honourable Assembly, whether she might not have just cause to say, she had changed her Pilot rather than her condition, and only shifted places to find her ruine: for Sir, there is as much beyond truth, as on this side it; and would we steer a right Course, we must be sure to keep the Channel, lest we fall from one extreame to another; from the dotage of Superstition, to the frenzie of profaneness, from bowing to Idols, to worship the Calves of our own imaginations.

‘I beseech you consider, what libellous Pamphlets are now Printed, what Sermons are now preached, not building hay and stubble, but utterly subverting the foundations of Truth; what irreverence in Churches, what profanation of Gods service, to the scandal of Christianity, the reproach of Religion, and the intolerable grief of all good men; of which I may take up the words of *Petrus de Aliaco* to the Council of *Constance*, *Nisi celeriter fiat reformatio, audeo dicere quod licet magna sint que videmus, tamen in brevi incomparabilia majora videbimus, & post ista tam horrenda majora alia audiemus.*

‘Sir, I take God to record, I am no mans advocate, no mans enemy, but a faithful lover of truth and peace, and a dutiful son of our distressed mother, the Church of *England*; in whose behalf, and our own, my motion shall be shortly this, That the Ministers Petition, with so much of their Remonstrance as hath been read, may be committed, and the rest of it, concerning matter of Doctrine, may be referred to some Learned and approved Divines, who have spent their time in that noble study. For give me leave to tell you,

An. 1640.

‘you, there is a *vulnus* among the Clergy, as among the Laity, *Et in utroque modum*; and for these and all things, which strike at the root and branch, as they please to call it, I shall humbly move, that we rather consider how to satisfy the Petitioners with some timely declaration from both Houses, of the Lawfulness and conveniency of Episcopal Government, derived from the Apostles, and so long established in this Kingdom, rather than to venture upon any alteration, the consequence whereof the wisest man cannot foresee. And in truth, Sir, would we once begin (for my own part) I know not how or where we should stay. Nevertheless if any one doubt the superiority of Bishops over Priests and Deacons in Ecclesiastical Government, or in Ordination, I shall be ready, whensoever this House shall command me, to make it good, and I think by as pregnant testimonies as we are able to prove the difference betwixt Canonical and Apocryphal Scripture, the necessity of Infants Baptism, or that the Apostles were the Authors of their own Creed. But Sir, I hope you will save your self and me that labour, and rather devise some set way to bind up the Churches wounds, which (God knows) are too wide already, that so the Clergy and Laity being made friends, and all reduced to the model of our Ancestors since the Reformation, we may all together preserve the Unity of the Spirit in the bond of peace; and so his Majesty having graciously and prudently expressed himself, I am the more confident, we shall not only put an end to all mis-intelligence betwixt Prince and People, but also highly advance the Protestant cause, and give a deadly blow to the See of Rome.

Sir, I humbly crave the favour of the House, for God is my Witness, Non potui aliter liberare animam meam.

THE Speeches before-mentioned Concerning Grievances, and the debates and discourses of other Members did so convince the rest of the House, as when any question was put concerning any considerable grievance, not one member of the House gave a No thereunto. Here follow a few of those Votes amongst many.

Monday, Decemb. 7. 1640.

1. Resolved upon the Question, nullo contradicente.

Votes in Parliament touching  
contradiction.  
ship-money.

‘THAT the Charge imposed upon the Subjects for the providing and furnishing of the Ships, and Assessments for raising of money for that purpose, commonly called *Ship-money*, are against the Laws of the Realm, the Subjects Right of Property, and contrary to former Resolutions in Parliament, and to the Petition of Right.

2. Re-



2. *Resolved upon the Question*, nullo contradicente.

‘THat the Extrajudicial Opinions of the Judges published in the  
‘*Star-Chamber*, and Inrolled in the Courts of *Westminster*, in *hac*  
‘*verba*, &c. In the whole and in every part of them are against  
‘the Laws of the Realm, the Right of Property, and the Liberty  
‘of the Subject, and contrary to former Resolutions in Parliament,  
‘and to the Petition of Right.

3. *Resolved upon the Question*, nullo contradicente.

‘THat the Writ following in *hac verba*, &c. and the other Writ  
‘commonly called the *Ship-Writ*, are against the Laws of the  
‘Realm, the Right of Property, and the Liberty of the Subject, and  
‘contrary to former Resolutions in Parliament, and to the Petition  
‘of Right.

Tuesday, Decemb. 15. 1640.

1. *Resolved upon the Question*, nullo contradicente.

‘THat the Clergy of *England* Convented in any Convocation or  
‘Synod, or otherwise, have no power to make any Constitutions,  
‘Canons, or Acts whatsoever in matter of Doctrine, Discipline or  
‘otherwise, to bind the Clergy or the Laity of the Land, without  
‘common Consent of Parliament.

Convocation.

2. *Resolved upon the Question*, nullo contradicente.

‘THat the several Constitutions and Canons Ecclesiastical, trea-  
‘ted upon by the Arch-Bishops of *Canterbury* and *York* Presidents  
‘of the Convocation for the respective Provinces of *Canterbury* and  
‘*York*, and the rest of the Bishops and Clergy of those Provinces,  
‘and agreed upon with the King’s Majesties Licence in their several  
‘Synods begun at *London* and *York*, 1640. do not bind the Clergy or  
‘Laity of this Land, or either of them.

Wednesday, Decemb. 16. 1640.

1. *Resolved upon the Question*, nullo contradicente.

‘THat these Canons and Constitutions Ecclesiastical treated up-  
‘on, (the Arch-Bishops of *Canterbury* and *York*, Presidents of  
‘the Convocations for the respective Provinces of *Canterbury* and  
‘*York*) and the rest of the Bishops, and Clergy of those Provinces,  
‘and agreed upon with the Kings Majesties Licence in their several  
‘Synods begun at *London* and *York*, in the year 1640. do contain in  
‘them many matters contrary to the Kings Prerogative, to the Fun-  
‘damental Laws and Statutes of the Realm, to the Right of Parlia-  
‘ment,

An. 1640.



'ment, to the Property and Liberty of the Subjects and matters  
'tending to Sedition, and of dangerous consequence.

2. *Resolved upon the Question, nullo contradicente.*

'THAT the several Grants of the Benevolences, or Contribution  
'granted to his Most Excellent Majesty by the Clergy of the Pro-  
'vinces of *Canterbury* and *York* in the several Convocations or Synods  
'holden at *London* and *York*, *Anno Dom. 1640.* are contrary to the  
'Laws, and ought not to bind the Clergy.

AFTER the Passing of these Votes against the Judges, and Trans-  
mitting of them unto the House of Peers, and their concurring  
with the House of Commons therein, an Address was made unto the  
King shortly after, that his Majesty for the future would not make  
any Judge by Patent during pleasure, but that they may hold their  
places hereafter, *Quam diu se bene gesserint*, and his Majesty did rea-  
dily grant the same, and in his Speech to both Houses of Parliament,  
at the time of giving his Royal Assent to two Bills, one to take  
away the High Commission Court, and the other the Court of  
Star-Chamber, and regulating the power of the Council Table,  
he hath this passage, *If you consider what I have done this Par-  
liament, discontents will not sit in your Hearts, for I hope you remem-  
ber that I have granted that the Judges hereafter shall hold their places,  
Quam diu se bene gesserint.*

And likewise his Gracious Majesty King *Charles* the Second ob-  
served the same rule and method in granting Patents to Judges,  
*Quam diu se bene gesserint*, as appears upon Record in the Rolls,  
(*viz.*) to Serjeant *Hide* to be Lord Chief Justice of the King's  
Bench, Sir *Orlando Bridgeman* to be Lord Chief Baron, and after-  
wards Lord Chief Justice of the Common Pleas, to Sr. *Robert  
Forster* and others; Mr. Serjeant *Archer* now living (notwithstand-  
ing his Removal) still enjoys his Patent, being *Quam diu se bene  
gesserit*, and receives a share in the Profits of that Court, as to Fines  
and other Proceedings by virtue of his said Patent, and his name is  
used in those Fines, &c. as a Judge of that Court.



*Articles of the Commons assembled in Parliament, in maintenance of their Accusation against William Laud Arch-Bishop of Canterbury; whereby he stands charged with High Treason, presented and carried up to the Lords, by Mr. J. Pym, Feb. 26. 1640.*

*Mr. Pym coming to the Lords Bar to present the Articles, spake as followeth.*

*My Lords,*

I Am commanded by the Knights, Citizens, and Burgeesses, now assembled for the Commons in Parliament, to deliver to your Lordships these Articles, in maintenance of their charge against the Arch-Bishop of *Canterbury*: Their desire is, that, first, your Lordships would be pleased to hear the Articles read; and then I shall endeavour to present to you the sence of the Commons, concerning the nature of the Charge, and the order of their Proceedings.

1. That he hath traiterously endeavoured to subvert the fundamental Laws and Government of this Kingdom of *England*, and instead thereof, to introduce an Arbitrary and Tyrannical Government against Law; and to that end, hath wickedly and traiterously advised His Majesty, that he might, at His own Will and Pleasure, levy, and take Money of His Subjects, without their consent in Parliament; and this he affirmed was warrantable by the Law of God.

2. He hath, for the better accomplishment of that his traiterous design, advised and procured Sermons, and other Discourses, to be Preached, Printed, and Published, in which the Authority of Parliaments, and the force of the Laws of this Kingdom, have been denied; and absolute and unlimited Power over the Persons and Estates of His Majesties Subjects maintained and defended, not only in the King, but in himself, and other Bishops, against the Law: And he hath been a great protector, favourer, and promoter of the publishers of such false and pernicious opinions.

He hath traiterously caused a Book of Canons to be composed and published without any lawful Warrant, and Authority in that behalf; in which pretended Canons many matters are contained contrary to the Kings Prerogative, to the fundamental Laws and Statutes of this Realm, to the Right of Parliament, to the Property and Liberty of the Subject, and matters tending to Sedition, and of dangerous consequence, and to the establishment of a vast unlawful, and presumptuous Power in himself, and his Successors; many of which Canons by the practice of the said Arch-Bishop were surreptitiously passed in the late convocation, without due consideration and debate; others by fear and compulsion were subscribed by the Prelates and Clerks there assembled, which had ne-

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ver been voted and passed in the Convocation as they ought to have been. And the said Arch-Bishop hath contrived and endeavoured to assure and confirm the uniauful and exorbitant Power which he hath ufurped and exercifed over his Majesties Subjects by a wicked and ungodly Oath in one of the said pretended Canons, injoynd to be taken by all the Clergy, and many of the Laity of this Kingdom.

He hath traiteroufly affumed to himfelf a Papal and tyrannical Power, both in Ecclefiaftical and Temporal matters, over His Majesties Subjects in this Realm of *England*, and in other Places, to the difherifon of the Crown, difhonour of His Majesty, and derogation of His Supream Authority in Ecclefiaftical matters; and the said Arch-Bishop claims the Kings Ecclefiaftical Jurifdiction, as incident to his Epifcopal Office, and Archiepifcopal in this Kingdom, and doth deny the fame to be derived from the Crown of *England*, which he hath accordingly exercifed, to the high contempt of His Royal Majesty, and to the deftruction of divers of the Kings Liege-People, in their Perfons and Eftates.

That he hath traiteroufly endeavoured to alter and fubvert Gods true Religion, by Law eftablifhed in this Realm, and inftead thereof, to fet up Popifh fuperftition, and Idolatry. And to that end hath declared and maintained in Speeches and Printed Books divers Popifh Doctrines and Opinions, contrary to the Articles of Religion eftablifhed by Law. He hath urged and injoynd divers Popifh and fuperftitious Ceremonies without any Warrant of Law, and hath cruelly perfecuted thofe who have oppofed the fame by corporal punifhments and imprifonment, and moft unjuftly vexed others, who refufed to conform thereunto by Ecclefiaftical Cenfures of Excommunication, fufpention, deprivation, and degradation, contrary to the Laws of this Kingdom.

He hath, for the fame traiterous and wicked intent, chofen and employed fuch Men to be his own Domeftical Chaplains, whom he knew to be notoriously difaffected to the reformed Religion, grofly addicted to Popifh Superftition, and erroneou and unfound both in Judgment and Practife; and to them or fome of them hath he committed the Licensing of Books to be printed, by which means divers falfe and fuperftitious Books have been publifhed, to the great fcandal of Religion, and to the feducing of many of His Majesties Subjects.

He hath traiteroufly and wickedly endeavoured to reconcile the Church of *England* with the Church of *Rome*; and for the effecting thereof, hath conforted and confederated with divers Popifh Priests and Jefuits, and hath kept fecret intelligence with the Pope of *Rome*, and by himfelf, his Agents and Instruments, treated with fuch as have from thence received Authority and Inftitution, he hath permitted and countenanced a Popifh Hierarchie, or Ecclefiaftical Government to be eftablifhed in this Kingdom: By all which traiterous and malicious Practifes, this Church and Kingdom hath been exceedingly indangered, and like to fall under the Tyranny of the *Roman See*.

He hath maliciously and traiteroufly plotted and endeavoured to fir up War and Enmity betwixt His Majesties two Kingdoms of *England* and *Scotland*, and to that purpofe hath laboured to introduce  
into



into the Kingdom of *Scotland* divers Innovations both in Religion and Government, all or the most part of them tending to Popery and Superstition, to the great grievance and discontent of His Majesties Subjects of that Nation; and for their refusing to submit to such Innovations, he did traiterously advise His Majesty to subdue them by force of Arms, and by his own Authority and Power, contrary to Law, did procure sundry of His Majesties Subjects, and enforced the Clergy of this Kingdom to contribute towards the maintenance of that War: And when His Majesty with much Wisdom and Justice had made a pacification betwixt the two Kingdoms, the said Arch-bishop did presumptuously censure that pacification, as dishonourable to His Majesty, and by his counsels and endeavours so incensed His Majesty against His said Subjects of *Scotland*, that he did thereupon (by advice of the said Arch-bishop) enter into an offensive War against them, to the great hazard of His Majesties Person, and His Subjects of both Kingdoms.

The said Commons do further aver, that the said *William* Archbishop of *Canterbury*, during the times that the Crimes afore-mentioned were done and committed, hath been a Bishop, or Arch-bishop of this Realm of *England*, one of the Kings Commissioners for Ecclesiastical matters, and one of His Majesties most Honourable Privy-Council, and hath taken an Oath for his faithful discharge of the said Office of Councillor, and hath likewise taken an Oath of Supremacy and Allegiance.

*Further Articles of Impeachment by the Commons assembled in Parliament, against William Laud Arch-Bishop of Canterbury, of High Treason, and divers high Crimes and Misdemeanours, as followeth.*

1. **T**Hat the said Arch-bishop of *Canterbury*, to introduce an arbitrary Government within this Realm, and to destroy Parliaments in the third and fourth years of His Majesties Reign that now is; a Parliament being then called, and sitting at *Westminster*, traiterously and maliciously caused the said Parliament to be dissolved, to the great grievance of His Majesties Subjects, and prejudice of this Common-wealth: And soon after the dissolution thereof, gave divers Propositions under his Hand to *George* then Duke of *Bucks*, casting therein many false aspersions upon the said Parliament, calling it a *Factionous Parliament*, and falsely affirming, that it had cast many scandals upon His Majesty, and had used Him like a Child in his minority, stiling them *Puritans*, and commending the Papists for harmless and peaceable Subjects.

2. That within the space of ten years last past, the said Arch-bishop hath treacherously endeavoured to subvert the fundamental Laws of this Realm; and to that end hath in like manner endeavoured to advance the Power of the Council-Table, the Canons of the Church, and the Kings Prerogative, above the Laws and Statutes of the Realm; and for manifestation thereof, about six years last past, being then a Privy-Councillor to His Majesty, and sitting at

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the Council-Table, he said, 'That as long as he sat there, they should know that an Order of that Board should be of equal force with a Law or Act of Parliament. And at another time used these words, 'That he hoped e're long that the Canons of the Church, and the Kings Prerogative, should be of as great Power as an Act of Parliament. And at another time said, 'That those that would not yield to the Kings Power, he would crush them to pieces.

3. That the said Arch-Bishop, to advance the Canons of the Church, and Power-Ecclesiastical above the Law of the Land, and to pervert and hinder the course of Justice, hath at divers times within the said time, by his Letters, and other undue means and solicitations used to Judges, opposed and stopped the granting of His Majesties Writs of *Prohibition*, where the same ought to have been granted, for stay of Proceedings in the Ecclesiastical Court, whereby Justice hath been delayed and hindered, and the Judges diverted from doing their Duties.

4. That for the end and purpose aforesaid, about seven years last past, a Judgment being given in His Majesties Court of *Kings-Bench* against one *Burley* a Parson, being a Man of bad Life and Conversation, in an Information upon the Statute of 21 *Hen. 8.* for wilful non-residency, the said Arch-Bishop, by solicitations, and other undue means used to the Judges of that Court, caused Execution upon the said Judgment to be stayed, and being moved therein, and made acquainted with the bad Life and Conversation of the said Parson, he said, that he had spoken to the Judges for him, and that he would never suffer a Judgment to pass against any Clergy-man by *Nihil dicit*.

5. That the said Arch-Bishop, about eight years last past, being then also a Privy-Councillor to His Majesty, for the end and purpose aforesaid, caused Sir *John Corbet* of *Stoake* in the County of *Salop* Baronet, then a Justice of Peace of the said County, to be committed to the Prison of the *Fleet*, where he continued Prisoner for the space of half a year or more, for no other cause but for calling for the Petition of Right, and causing it to be read at the Sessions of the Peace for that County, upon a just and necessary occasion; and during the time of his said Imprisonment, the said Arch-Bishop, without any colour of Right, by a Writing under the Seal of his Arch-bishoprick, granted away parcel of the Glebe-Land of the Church of *Adderly* in the said County, whereof the said Sir *John Corbet* was then Patron, unto *Robert* Viscount *Kilmurphy*, without the consent of the said Sir *John*, or then the Incumbent of the said Church; which said Viscount *Kilmurphy* built a Chappel upon the said parcel of Glebe-Land, to the great prejudice of the said Sir *John Corbet*, which hath caused great Suits and Dissentions between them. And whereas the said Sir *John Corbet* had a Judgment against Sir *James Stonehouse* Knight, in an Action of *Wast*, in His Majesties Court of *Common-Pleas* at *Westminster*, which was afterwards affirmed in a Writ of *Error* in the *Kings-Bench*, and Execution thereupon awarded; yet the said Sir *John*, by means of the said Arch-Bishop, could not have the effect thereof, but was committed to the Prison by the said Arch-Bishop, and others at the Council-Table. until he had submitted



mitted himself unto the Order of the said Table; whereby he lost the benefit of the said Judgment and Execution.

6. That whereas divers Gifts, and dispositions of divers Sums of Money were heretofore made by divers charitable and well-disposed Persons, for the buying in of divers Improvements for the maintenance of Preaching the Word of God in several Churches, the said Arch-Bishop, about eight years last past, wilfully and maliciously caused the said Gifts, Feoffments, and Conveyances made to the uses aforesaid, to be overthrown in His Majesties Court of *Exchequer*, contrary to Law, as things dangerous to the Church and State, under the specious pretence of buying in Improvements; whereby that Pious Work was suppressed and trodden down, to the great dishonour of God, and scandal of Religion.

7. That the said Arch-Bishop at several times, within these ten years last past, at *Westminster*, and elsewhere within this Realm, contrary to the known Laws of this Land, hath endeavoured to advance Popery and Superstition within the Realm: And for that end and purpose hath wittingly and willingly received, harboured, and relieved divers Popish Priests and Jesuits, namely one called *Sancta Clara, alias Dampart*, a dangerous Person, and *Franciscan* Friar, who having written a Popish and Seditious Book, entituled *Deus natura gratia*, wherein the 39 Articles of the Church of *England*, established by Act of Parliament, were much traduced and scandalized: The said Arch-Bishop had divers Conferences with him, while he was in writing the said Book; and did also provide maintenance and entertainment for one *Monsieur St. Gyles*, a Popish Priest at *Oxford*, knowing him to be a Popish Priest.

8. That the said Arch-Bishop, about four years last past, at *Westminster* aforesaid, said, That there must be a Blow given to the Church, such as hath not been yet given, before it could be brought to conformity; declaring thereby his intention to be, to shake and alter the true Protestant Religion established in the Church of *England*.

9. That in or about the Month of *May* 1640. presently after the dissolution of the last Parliament, the said Arch-Bishop, for the ends and purposes aforesaid, caused a Synod or Convocation of the Clergy to be held for the several Provinces of *Canterbury* and *York*; wherein were made and established by his means and procurement divers Canons and Constitutions-Ecclesiastical, contrary to the Laws of this Realm, the Rights and Priviledges of Parliament, the Liberty and Property of the Subject, tending also to Sedition, and of dangerous consequence: And amongst other things the said Arch-Bishop caused a most dangerous and illegal Oath to be therein made and contrived, the tenor whereof followeth in these words. That I *A. B.* do swear, that I do approve the Doctrine and Discipline or Government established in the Church of *England*, as containing all things necessary to Salvation; and that I will not endeavour by my self, or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so established: Nor will I ever give my consent to alter the Government of this Church by Arch-Bishops, Bishops, Deans, and Arch-Deacons, &c. as it stands now established, and as by right it ought to stand; nor yet ever to subject it to the usurpations and superstitions

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of the See of *Rome*. And all these things do I plainly and sincerely acknowledge and swear according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever; and this I do heartily, willingly and truly upon the faith of a Christian: So help me God in Jesus Christ. Which Oath the said Arch-Bishop himself did take, and caused divers other Ministers of the Church to take the same, upon pain of suspension, and deprivation of their Livings, and other severe Penalties: And did also cause *Godfrey*, then Bishop of *Gloucester*, to be committed to Prison, for refusing to subscribe to the said Canons, and to take the said Oath; and afterwards, the said Bishop submitting himself to take the said Oath, he was set at liberty.

10. That a little before the calling of the last Parliament, *Anno 1640.* a Vote being then passed, and a *Resolution* taken at the Council-Table, by the Advice of the said Arch-Bishop, for assisting of the King in extraordinary ways, if the said Parliament should prove peevish, and refuse to supply His Majesty; the said Arch-Bishop wickedly and maliciously advised His Majesty to dissolve the said Parliament, and accordingly the same was dissolved: And presently after the said Arch-Bishop told His Majesty, *That now he was absolved from all Rules of Government, and left free to use extraordinary ways for his Supply.*

For all which matters and things the said Commons assembled in Parliament, in the Name of themselves, and all the Commons of *England*, do Impeach the said Arch-Bishop of *Canterbury* of High Treason, and other Crimes and Misdemeanours, tending to the subversion of our Religion, Laws, and Liberties, and to the utter ruine of this Church and Common-wealth.

And the said Commons by protestation saving to themselves the liberty of exhibiting at any time hereafter, any further, or other Accusation or Impeachment against the said *William Laud* Arch-Bishop of *Canterbury*, and also of replying to the Answer that he shall make unto the said Articles, or any of them; or offering proof of the Premises; or any other Impeachments or Accusations that shall be exhibited by them, as the Cause shall (according to the course of Parliaments) require; do pray, that he the said *William Laud* Arch-Bishop of *Canterbury* may be called to answer the said several Crimes and Misdemeanours, and receive such condign punishment as the same shall deserve: And that such further Proceedings may be upon every one of them had, and used against him, as is agreeable to Law and Justice.

### *The Charge of the Scottish Commissioners against the Prelate of Canterbury.*

**N**Ovations in Religion, which are universally acknowledged to be the main cause of Commotions in Kingdoms and States, and are known to be the true cause of our present troubles, were many and great, besides the Books of Ordination and Homilies; some



1. Some particular alterations in matters of Religion, pressed upon us without order, and against Law, contrary to the form established in our Kirke. 2. A new Book of Canons and Constitutions-Ecclesiastical. 3. A Liturgy, or Book of Common-Prayer, which did also carry with them many dangerous Errors in matters of Doctrine; of all which we challenge the Prelate of *Canterbury*, as the prime cause on Earth.

And first, that this Prelate was the Author and Urger of some particular changes which made great disturbance amongst us, we make manifest:

First, by fourteen Letters subscribed *William Cant.* in the space of two years, to one of our pretended Bishops, *Bannatine*, wherein he often enjoyneth him, and other pretended Bishops, to appear in the Chappel in their *Whites*, contrary to the Custom of our Kirke, and to his Promise made to the pretended Bishops of *Edenburgh* at the Coronation, that none of them after that time should be pressed to wear these Garments, thereby moving him against his will to put them on for that time, wherein he directeth him to give order for saying the *English Service* in the Chappel twice a day for his neglect, shewing him that he was disappointed of the Bishoprick of *Edenburgh*, promising him, upon the greater care of these Novations, advancement to a better Bishoprick, taxing him for his boldness in Preaching the sound Doctrine of the reformed Kirks against Mr. *Mitchel*, who had taught the Errors of *Arminius* in the Point of the extent of Merit of Christ, bidding him send up a List of the Names of Councillors and Senators of the Colledge of Justice, who did not communicate in the Chappel in a form which was not received in our Kirk, commending him when he found him obsequious to these his Commands, telling him, that he had moved the King the second time for the punishment of such as had not received in the Chappel; and wherein he upbraideth him bitterly, that in his first Synod at *Aberdeen* he had only disputed against our Custom of *Scotland*, of fasting sometimes on the Lords-day, and presumptuously censuring our Kirk, that in this we were opposite to Christianity it self; and amongst us there were no Canons at all.

The second Novation which troubled our Peace, was a Book of Canons, and Constitutions-Ecclesiastical, obtruded upon our Kirk, found by our General Assembly to be devised for establishing a Tyrannical Power in the Persons of our Prelates over the Worship of God, over the Consciences, Liberties and Goods of the People, and for abolishing the whole Discipline and Government of our Kirk, by General and Provincial Assemblies, Presbyteries, and Kirk-Sessions, which was settled by Law, and in continual practice since the time of Reformation; that *Canterbury* was Master of this Work is manifest.

He will not have Canons come from the Authority of Synods, but from the Power of Prelates, or from the Kings Prerogative.

Thirdly, the formidable Canon, *Cap. 1. 3.* threatening no less than Excommunication against all such Persons, whosoever shall open their mouths against any of these Books, proceeded not from our Prelates, nor is to be found in the Copy sent

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sent from them, but is a Thunder-bolt forged in *Canterburies* own Fire.

The third and great Novation was the Book of Common-Prayer, Administration of the Sacraments, and other parts of Divine Service, brought in without Warrant from our Kirk, to be universally received, as the only form of Divine Service, under all highest pains both Civil and Ecclesiastical, which is found by our National Assembly, besides the Popish frame and forms in Divine Worship, to contain many Popish Errors and Ceremonies, and the Seeds of manifold and gross Superstitious and Idolatrous, and to be repugnant to the Doctrine and Discipline and order of our Reformation, to the confession of Faith, Constitutions of General Assemblies and Acts of Parliament, establishing the true religion; that this also was *Canterburies* Work we make manifest.

By the Memoirs and Instruction sent unto him from our Prelates; wherein they gave a special account of the diligence they had used, to do all which herein they were enjoined by the approbation of the Service-Book sent to them; and of all the Marginal Correction, wherein it varieth from the *English* Books, shewing their desire to have some few things changed in it, which notwithstanding was not granted: This we find written by St. *Androis* own hand, and subscribed by him, and nine other of our Prelates.

But the Book it self, as it standeth Interlined, Margined, and patch'd up, is much more than all that is expressed in his Letters, and the Changes and Supplements themselves taken from the Mass-Book, and other *Romish* Rituals, by which he maketh it to vary from the Book of *England*.

The Corporal Presence of Christs Body in the Sacrament is also to be found here; for the words of the Mass-Book serving to this purpose, which are sharply censured by *Bucer*, in King *Edwards* Liturgy, and are not to be found in the Book of *England*, are taken in here: *Almighty God is in-called, that of his Almighty Goodness he may vouchsafe so to Bless and Sanctify with his Word and Spirit these Gifts of Bread and Wine, that they may be unto us the Body and Blood of Christ.*

The Change here is made a Work of Gods Omnipotency: The words of the Mass, *ut fiant nobis*, are Translated in King *Edwards* Book, *That they be unto us*, which are again turned into *Latin* by *Alefsius*, *ut fiant nobis*; on the other part the expressions of the Book of *England*, at the delivery of the Elements feeding on Christ by Faith, and of eating and drinking in remembrance that Christ died for thee, are utterly declared; many Evidences there be in this part of the Communion, of the Bodily Presence of Christ, very agreeable to the Doctrines taught by his Sectaries, which this Paper cannot contain. They teach us, *That Christ is received in the Sacrament, Corporaliter, both Objective and Subjective, Corpus Christi est Objectum quod recipitur, & Corpus nostrum Subjectum quo recipitur.*

Our Supplications were many against these Books, but *Canterbury* procured them to be answered with terrible Proclamations. We were constrained to use the remedy of Protestation; but for our Protestations, and other lawful means, which we used for our deliverance, *Canterbury* procured us to be declared Rebels and Traitors



in all Parish-Kirks of *England*: When we were seeking to possess our Religion in peace against these Devices and Novations, *Canterbury* kindleth War against us. In all these it is known that he was, although not the sole, yet the principal Agent and Adviser.

When by the Pacification at *Barrick*, both Kingdoms looked for peace and quietness, he spared not openly in the hearing of many, often before the King, and privately at the Council-Table, and the Privy Jointo, to speak of us as Rebels and Traitors, and to speak against the Pacification as dishonourable, and meet to be broken. Neither did his malignancy and bitterness ever suffer him to rest till a new War was entred upon, and all things prepared for our destruction.

When our Commissioners did appear to render the Reasons of our demands, he spared not, in the presence of the King and Committee, to rail against our National Assembly as not daring to appear before the World and Kirks abroad; where himself and his actions were able to endure tryal: And against our just and necessary defence as the most malicious and treasonable contempt of Monarchical Government that any by-gone Age heard of; his hand was also at the Warrant for the restraint and imprisonment of our Commissioners, sent from the Parliament warranted by the King, and seeking the Peace of the Kingdoms.

When we had by our Declarations, Remonstrances, and Representations, manifested the truth of our intentions, and lawfulness of our actions to all the good Subjects of the Kingdom of *England*, when the late Parliament could not be moved to assist or enter in War against us, maintaining our Religion, and Liberties, *Canterbury* did not only advise the breaking up of that High and Honourable Court, to the great grief and hazard of the Kingdom, but (which is without example) did sit still in the Convocation, and make Canons and Constitutions against us, and our just and necessary defence; ordaining under all highest pains, that hereafter the Clergy shall preach four times in the year against our Proceedings.

And as if this had not been sufficient, he procured six Subsidies to be lifted of the Clergy, under pain of deprivation to all that should refuse. And which is yet worse, and above which malice it self cannot ascend, by his means a Prayer is framed, Printed, and sent through all Parishes of *England*, to be said in all Churches in time of Divine Service, next after the Prayer for the Queen and Royal Progeny, against our Nation by name of Traiterous Subjects, having cast off all obedience to our anointed Sovereign, and coming in all rebellious manner to invade *England*, that shame may cover our faces as Enemies to God and the King.

We are therefore confident that your Lordships will, by your means, deal effectually with the Parliament, that this great Fire-brand be presently removed from His Majesties Presence, and that he may be put to tryal, and put to his deserved Censure according to the Laws of the Kingdom.

On the 22d of *January* the Arch-Bishop, personally appearing at the Lords Bar according to the former Orders, did then put in this following Answer both to the Commons original and additional Articles.

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The humble Answer of *William* Arch-Bishop of *Canterbury* to the first and further Articles of Impeachment, brought up by the Honourable House of Commons against him, and by Order of the Right Honourable the Lords in Parliament of the 16<sup>th</sup> of this instant directed to be put in.

As to the 13<sup>th</sup> Article of the said first Articles, and the matters therein charged, and all matters or things in the same, or any of the rest of the said Articles contained, which concern any Act of Hostility, whether between the King and His Subjects, or between Subject and Subject, or which may be conceived to arise upon the coming of any *English* Army against *Scotland*, or the coming of the *Scottish* Army into *England*, or upon any Action, Attempt, Assistance, Council or Device, having relation thereunto, and falling out by the occasion of the late Troubles preceding the late Conclusion of the Treaty, and return of the *Scottish* Army into *Scotland*; this Defendant saith, That it is Enacted by an Act made during the sitting of this present Parliament, That the same, and whatsoever hath ensued thereupon, whether trenching upon the Laws and Liberties of the Church and Kingdom, or upon His Majesties Honour and Authority, in no time hereafter may be called in question, or represented as a wrong National, or Personal, and that no mention be made thereof in time coming, neither in Judgment nor out of Judgment; but that it be held and reputed as though never such things had been thought or wrought, as by the said Act may more at large appear, with this, that this Defendant doth aver, that he is none of the Persons excepted by the said Act, or the said Offences charged upon this Defendant any of the offences excepted by the said Act.

And as to all the rest of the said first and further Articles; this Defendant saving to himself all advantages of exception to the said Articles, humbly saith, He is not guilty of all or any of the matters by the said Articles charged, in such manner and form as the same are by the said Articles charged against him.

*W. Cant.*

After the before-mentioned Articles were read, the Arch-Bishop made this following Speech.

*My Lords,*

‘**M**Y being in this place in this condition, recalls to my memory that which I long since read in *Seneca*, *Tormentum est, etiamsi absolutus quis fueris, causam dixisse*; (6. de Benef. c. 28.) ‘Tis not a grief only, no, ’tis no less than a torment for an ingenuous Man to plead capitally or criminally, though it should so fall out that he be absolved. The great truth of this I find at present in my self; and so much the more, because I am a Christian, and not that only, but in Holy Orders; and not so only, but by Gods Grace and Goodness preferred to the greatest Place this Church affords, and yet brought, *causam dicere*, to plead for my self at this great Bar.

‘And



‘ And whatsoever the World think of me (and they have been taught to think much more ill of me, than, I humbly thank Christ for it, I was ever acquainted with) yet, my Lords, this I find, *Tormentum est*, ’tis no less than a Torment to me to appear in this place.

‘ Nay, my Lords, give me leave to speak plain truth; no Sentence that can justly pass upon me, (and other I will never fear from your Lordships) can go so near me, as *Causam dicere*, to plead for my self upon this occasion, and in this place.

‘ For as for the Sentence, be it what it shall, I thank God for it, I am for it at St. Pauls word, (*Acts 25. 11.*) *If I have committed any thing worthy of death, I refuse not to die.* For I thank God I have so lived, as that I am neither afraid to die, nor ashamed to live. But seeing the malignity which hath been raised against me by some Men, I have carried my very Life in my Hands these divers years past: But yet, my Lords, if there be none of these things whereof they accuse me, though I may not in this Case, and from this Bar, appeal unto *Cæsar*, yet to your Lordships Justice and Integrity I both may and do; not doubting, but that God of his Goodness will preserve my Innocency.

‘ And as *Job* in the midst of his affliction said to his mistaken friends, so shall I to my Accusers; God forbid I should justify you, till I die I will not remove mine Integrity from me, I will hold it fast, and not let it go, my Heart shall not reproach me as long as I live, *Job 22. 5.*

‘ My Lords, The Charge against me is brought up in ten Articles, but the main Heads are two; An endeavour to subvert the Laws of the Land, and the Religion established; six Articles, (the five, first and the last) concern the Laws, and the other four, Religion.

‘ For the Laws, first I may safely say, I have been to my understanding as strict an observer of them all the days of my life, so far as they concern me, as any Man hath; and since I came into Place, I have followed them, and been as much guided by them as any Man that fate where I had the Honour to sit. And of this I am sorry I have lost the Testimony of the Lord Keeper *Coventry*, and other Persons of Honour since dead.

‘ And the Council which attended at the Council-Board can witness, some of them here present, that in all references to the Board, or debates arising at the Board, I was for that part of the Cause where I found Law to be; and if the Council desired to have the Cause left to the Law, well I might move in some Causes Charity or Conscience to them; but I left them to the Law, if thither they would go; and how such a carriage as this through the whole course of my Life in private and publick can stand with an intention to overthrow the Laws, I cannot yet see.

‘ Nay more, I have ever been of opinion, That Laws bind the Conscience, and have accordingly, made Conscience of observing them; and this Doctrine I have constantly preached as occasion hath been offered me; and how is it possible, I should seek to overthrow those Laws which I held my self bound in Conscience to keep and observe.

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‘ As for Religion, I was born and bred up in and under the Church  
‘ of *England*, as it stands established by Law ; I have by Gods Bless-  
‘ ing, grown up in it to the years which are now upon me, and to  
‘ the Place of preferment which I now bear.

‘ I have, ever since I understood ought in my Profession, kept  
‘ one constant Tenor in this my Profession, without variation or  
‘ shifting from one opinion to another, for any worldly ends : And  
‘ if my Conscience would have suffered me to do so, I could easily  
‘ have slid through all the difficulties which I have prest upon me  
‘ in this kind ; but of all Diseases, I have ever held a Palsie in Re-  
‘ ligion most dangerous, well knowing and remembering that Dis-  
‘ ease often ends in a dead Palsie.

‘ Ever since I came in Place, I have laboured nothing more than  
‘ that the Eternal publick Worship of God ( so much slighted in  
‘ divers parts of this Kingdom ) might be preserved, and that with  
‘ as much decency and uniformity as might be ; for I evidently  
‘ saw, that the publick neglect of Gods Service in the outward  
‘ face of it, and the nasty lying of many Places dedicated to that  
‘ Service, had almost cast a damp upon the true and inward Worship  
‘ of God, which while we live in the Body, needs external helps,  
‘ and all little enough to keep it in vigour. And this I did to the  
‘ uttermost of my knowledge, according both to Law and Canon,  
‘ and with the consent and liking of the People ; nor did any com-  
‘ mand issue from me against the one, or without the other.

‘ Further, my Lords, give me leave, I beseech you, to acquaint  
‘ you with this also, that I have as little acquaintance with Recu-  
‘ sants, as I believe any man of my Place of *England* hath, or  
‘ ever had sithence the Reformation ; and for my Kindred, no one  
‘ of them was ever a Recusant, but Sir *William Web*, Grand-child  
‘ to Sir *William Web*, sometimes Lord Major of *London*, and since  
‘ which some of his Children I reduced back to the Church of  
‘ *England*.

‘ On this, one thing more I humbly desire may be thought on,  
‘ That I am fall’n into a great deal of obloquy in matter of Religion,  
‘ and that so far, ( as appears by the Articles against me ) that I  
‘ have endeavoured to advance and bring in Popery : Perhaps, my  
‘ Lords, I am not ignorant what Party of Men have raised these  
‘ scandals upon me, nor for what end, nor perhaps by whom set on ;  
‘ but howsoever, I would fain have a good reason given me, if my  
‘ Conscience stood that way, and that with my Conscience I could  
‘ subscribe to the Church of *Rome*, what should have kept me here  
‘ before my Imprisonment to endure the libelling and the slander,  
‘ and the base usage that hath been put upon me, and these to end  
‘ in this question for my Life ? I say, I would know a good reason  
‘ for this.

‘ First, my Lords, is it because of any Pledges I have in the  
‘ World to sway me against my Conscience ? No sure, for I have  
‘ neither Wife nor Children to cry out upon me to stay with them ;  
‘ And if I had, I hope the calling of my Conscience should be  
‘ heard above them.

‘ Is it because I was loth to leave the Honour and Profit of the  
‘ Place I was risen to ? Surely no, for I desire your Lordships, and  
‘ all the World should know, I do much scorn the one and the other,  
‘ in



‘ in comparison of my Conscience. Besides it cannot be imagined  
‘ by any man, but that if I should have gone over to them, I should  
‘ not have wanted both honour and profit, and suppose not so great  
‘ as this I have here, yet sure would my Conscience have served my  
‘ self of either, less with my Conscience would have prevailed with  
‘ me more than grater against my Conscience.

‘ Is it because I lived here at ease, and loath to venture that ?  
‘ Not so neither, for whatsoever the world may be pleased to  
‘ think of me, I have led a very painful life, and such as I would  
‘ have been content to change, had I well known how; and  
‘ would my Conscience have served me that way, I am sure I  
‘ might have lived at far more ease, and either have avoided the  
‘ barbarous libelling and other bitter grievous scorns which have  
‘ been put upon me, or at least been out of the hearing of them.

‘ Not to trouble your Lordships too long, I am so innocent in  
‘ the business of Religion, so free from all practice, or so much as  
‘ thought of practice for any alteration unto Popery, or any blemishing the true Protestant Religion established in *England*, as I  
‘ was when my Mother first bore me into the world; and let nothing be spoken but truth, and I do here challenge whatsoever  
‘ is between Heaven or Hell, that can be said against me in point  
‘ of my Religion, in which I have ever hated dissimulation. And  
‘ had I not hated it, perhaps I might have been better for worldly safety than now I am, but it can no way become a Christian  
‘ Bishop to halt with God.

‘ Lastly, If I had any purpose to blast the true Religion established in the Church of *England*, and to introduce Popery, sure I  
‘ took a wrong way to it; for, My Lords, I have staid more going  
‘ to *Rome*, and reduced more that were already gone, than, I believe any Bishop or Divine in this Kingdom hath done; and some  
‘ of them, men of great abilities, and some Persons of great place;  
‘ and is this the way to introduce Popery?

‘ My Lords, If I had blemished the true Protestant Religion,  
‘ how could I have brought these men to it? And if I had promised to introduce Popery, I would never have reduced these men  
‘ from it.

‘ And that it may appear unto your Lordships how many, and of  
‘ what condition the Persons are, which by Gods blessing upon  
‘ my Labours, I have settled in the true Protestant Religion established in *England*: I shall briefly name some of them, though  
‘ I cannot in order of time as I converted them.

‘ *Henry Berkinstead* of *Trinity Colledge Oxon*, seduced by a Jesuit and brought to *London*, (the Lords and others perceiving  
‘ him to be *Berchinhead*, the Author of all the Libellous Popish  
‘ *Oxford Aulicusses*, against the Parliament, at the naming of him  
‘ smiled; which the Arch-bishop perceiving, said, My Lords, I  
‘ mean not *Brchinhead* the Author of *Oxford Aulicus*, but another.)

‘ Two Daughters of *Sir Richard Lechford*, in *Surrey*, sent towards a Nunnery.

‘ Two Schollers of *Saint Johns Colledge Cambridge*, *Toppin* and  
‘ *Ashton*, who had got the *French Ambassadors Pass*, and after this  
‘ I allowed means to *Toppin*, and then procured him a Fellowship  
‘ in

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‘ in Saint *Johns*; and he is at this present as hopeful a Young Man  
‘ as any of his time, and a Divine.

‘ Sir *William Webb*, my Kinsman, and two of his Daughters,  
‘ and his Son I took from him; and his Father being utterly decay-  
‘ ed, I bred him at my own charge, and he is a very good Pro-  
‘ testant.

‘ A Gentleman brought to me by Mr. *Chesford*, His Majesties Ser-  
‘ vant, but I cannot recall his name.

‘ The Lord *Mayo* of *Ireland*, brought to me also by Mr. *Chesford*.

‘ The Right Honourable the Lord Duke of *Buckingham*, almost  
‘ quite gone between the Lady his Mother and Sister.

‘ The Lady Marquess *Hamilton*, was settled by my direction,  
‘ and she died very religiously, and a Protestant.

‘ Mr. *Digby*, who was a Priest.

‘ Mr. *James*, a Gentleman brought to me by a Minister in *Buck-*  
‘ *inghamshire*, as I remember.

‘ Dr. *Heart* the Civilian, my Neighbours Son at *Fulham*.

‘ Mr. *Christopher Seaburn*, a Gentleman of an antient Family in  
‘ *Herefordshire*.

‘ The Right Honourable the Countess of *Buckingham*.

‘ Sir *William Spencer* of *Paruton*.

‘ Mr. *Shillingworth*.

‘ The Sons and Heirs of Mr. *Winchcomb*, and Mr. *Wollescot*, whom  
‘ I sent with their Friends liking to *Wadham* Colledge, *Oxford*;  
‘ and received a certificate 1638 of their continuing in Conformity  
‘ to the Church of *England*: Nor did ever any one of these named  
‘ relapse again, but only the Countess of *Buckingham* and Sir *Wil-*  
‘ *liam Spencer*; it being only in Gods power, not mine, to preserve  
‘ them from relapse.

‘ And now let any Clergy-man of *England* come forth and give  
‘ a better account of his Zeal to the Church.

*Here followeth some Passages concerning Auricular Confession.*

The Contents  
of Mr. *Adams*  
his Sermon  
about Auricu-  
lar Confession.

ONE Mr. *Adams* Preaching publicly in Saint *Maries* Church  
in *Cambridge* before the University, on *John* 20. 23. *Who-*  
*soever sins ye remit they are remitted, &c.* used these exorbitant  
Popish assertions touching confession of sins to Priests; that a  
special confession unto a Priest (actually where time and oppor-  
tunity presents its self, or otherwise in explicate intention, and  
resolution) of all our sins committed after Baptism, so far forth  
as we do remember, is necessary unto Salvation, in the judge-  
ment of Fathers, Schoolmen, and almost all Antiquity, not only  
*necessitate precepti*, but also *necessitate medii*, so that according to  
the ordinary, or revealed means appointed by Christ, there  
can be no Salvation without the aforesaid Confession. That Christ  
intended this Confession of our sins in special before the Priest,  
for a necessary means to bring us to salvation; and to frustrate  
his intention or will through misconceits, what were it more  
but an Argument no less of indiscretion, than of madness and  
impiety? That God being an Enemy to all sin will not par-  
don any, if we willingly conceal but one in our confession to the  
Priest. That Confession is as necessary to Salvation as the Mini-  
stry of Baptism, as necessary to Salvation as meat is to the Body.  
That



That since Christ ordained a Tribunal-Seat of Judgement, where sins should be remitted or retained at the discretion of a lawful Minister (as was evident by the Text he did) then without doubt 'twas his intention that the Faithful should necessarily confess all their sins before the Priest, so far forth as they remember, for the purchasing of his pardon and remission. This he averred to be (as he conceived) the Doctrine of the Church of *England*, contained in our *Lyturgie*. That Confession is a Duty of far more Antiquity and Extent than ever Popery was, in regard 'twas instituted by our Saviour, practised by the Apostles, the Holy Fathers and all succeeding Ages, and therefore though the Papists use it, it is not, it cannot be, as some would have it, a point of Popery; what! shall their errors in some Tenets prejudice the Truth in this? What! shall we refuse the Grape because the Stalk is withered? This were a Puritannical Novation-Nicety. I never heard of any thing but a foolish Cock that ever refused a Gem, though in a Dunghil.

The whole Sermon being to this effect, Dr. *Ward*, Dr. *Love*, Dr. *Brownrig* and Dr. *Holdsworth*, took exceptions against this Sermon, as Scandalous and Popish, whereupon Mr. *Adams* was Convented for it before the Vicechancellor and Heads, who both required and perused the Copy of his Sermon; which done the Vice-chancellor Dr. *Brownrig*, drew up this ensuing Recantation, which he enjoined him to make in publick, to give satisfaction to those whom his Sermon had scandalized.

Mr. *Adams*  
questioned for  
his Sermon.

**W**Hereas, &c. on Sunday the 25<sup>th</sup> of June last, in my publick Sermon on these words (Saint *John* 20. 23. *Whose sins ye remit, they are remitted, and whose sins ye retain, they are retained*; I delivered this Doctrine, that a special confession unto a Priest (actually, where time or opportunity presents it self, or otherwise in explicit intention, and resolution) of all our sins committed after Baptism, so far forth as we do remember, is necessary unto Salvation, not only *necessitate precepti*, but also *necessitate medii*; so that according to the Ordinance, or revealed means appointed by Christ, there can be no Salvation without the aforesaid Confession; upon more mature thoughts, and better information, I do find that this Doctrine then delivered, was both erroneous, and dangerous, having not warrant from the word of God, and crossing the Doctrine of our Church, as may appear by her *Lyturgie* in the second Exhortation at the Communion, and in the Visitation of the Sick, and in the second part in the Homily of Repentance. As therefore in general, I do acknowledge in the words of the aforesaid Homily, that it is most evident and plain, that this auricular Confession hath not his warrant of Gods word, and that therefore being not led with the Conscience thereof, if we with fear and trembling, and with a contrite heart, use that kind of Confession, which God doth command in his word (namely an unfeigned Confession unto Almighty God himself) then doubtless (as he is faithful and true) he will forgive us our sins, and make us clean from all our wickedness; so in the case of a troubled, or doubtful Conscience, I do conform my Opinion unto the direction of

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of our Church, which in her Lyturgie doth exhort, and require those whose Consciences are troubled with any weighty matter to a special Confession, so that they who cannot quiet their own Consciences, are to repair to their own, or some other discreet and learned Minister of Gods Word to open to them their grief, that so they may receive such ghostly Counsell, Advice and Comfort, as their Consciences may be relieved, and by the Ministry of Gods word, they may receive Comfort and the Benefit of Absolution to the quieting their Conscience, and the avoiding of all scruple and doubtfulness. But it is against true Christian liberty, that any man should be bound to the numbering of his sins, as it hath been used heretofore in times of ignorance and blindness. This I do acknowledge to be the Doctrine of the Church of *England* concerning Confession, and to it I do *ex animo*, subscribe, and am heartily sorry for what ever I have delivered to the contrary.

Mr. *Adams* refused to make this Recantation, saying he was not conscious to himself of any thing he had said in his Sermon contrary to the Doctrine of the Church of *England*; whereupon at a full meeting of the Doctors it was put to the Vote whether this Recantation should be enjoyed him or no, Dr. *Ward*, Dr. *Bambridge*, Dr. *Banhercroft*, Dr. *Love*, Dr. *Holdsworth* and the Vice-Chancellor voted he should make this Recantation, but Dr. *Collins*, Dr. *Smith*, Dr. *Cumber*, Dr. *Cousin*, Dr. *Lany*, Dr. *Martin*, Dr. *Stern*, and Dr. *Eden* voted against the making of it; so Mr. *Adams* without making any Submission or Recantation at all was dismissed, and the whole proceedings in this business were sent up to the Arch-Bishop of *Canterbury*, and found in his Study at the Tower indorsed with his own hand thus, received *March 16. 1637*. Dr. *Cousins* Letter about the proceedings of *Brownrig* Vice-Chancellor of *Cambridge* against Mr. *Adams*, for his Sermon about Confession, *Jan. 25. 1637*; and so this matter slept.

Mr. *Croxton* recommended by the Arch-Bishop for preferment.

Dr. *Laud* Arch-Bishop of *Canterbury* thought fit to recommend to Sir *Thomas Wentworth*, the Lord Deputy of *Ireland*, one Mr. *Croxton* a young Minister, requesting his Lordship to take notice of him, not doubting but as it shall fall in his Lordships way, that he will bestow some preferment on him for his maintenance, for which the Lord Arch-Bishop would thank his Lordship.

Upon which recommendation the Lord Deputy promoted Mr. *Croxton* to Ecclesiastical preferments there, as it appears by his Letters of thanks to the Arch-Bishop, in some of which he gives him the Title of Holiness, and most Holy Father; and in his Letter dated and directed to him as Metropolitan, &c. at *Goran*, *April. 19. 1638*. made the sign of the † on the top of the first page of his Letter, a branch of which Letter was as followeth.

My Lord, In humblest manner I beg your grations acceptance of this just as necessary duty; whilst I make an unquestionable relation of that which so nearly concerns my self. To provide the best I could for the more worthy receiving of the Holy Communion this last Easter, I have (I thank God for it) been able in some measure, to do that here which able men have sufficiently spoken of elsewhere; I have sacramentally heard the Confessions of the People committed to my charge in *Goran* (a certain through-fare Town in the County of *Kilkenny* in  
the



*the Chancel, they kneeling before the Altar ) this is every where now accounted a most strange Act without all Warrant, &c.*

16 Caroli.

Which Letter was thus Indorsed with the Arch-Bishops own hand, received July 6. 1638. Mr. Croxton his receiving of Confession —

Here followeth an Abstract of Acts which passed in the beginning of the Parliament, which met *Novemb. 3. 1640*, In the 16<sup>th</sup> year of the Reign of King *Charles* the first.

1. *An Act for the preventing of Inconveniencies happening by the long Intermission of Parliaments.*

Repealed and  
Altered,  
16 Car. 2. cap. 1.

**B**E it Enacted, first, That in case there be not a Parliament summoned by Writ under the Great Seal of *England*, and assembled and held before the 10<sup>th</sup> day of *September*, which shall be in the third year next after the last day of the last meeting, and sitting of this present Parliament; the beginning of the first year to be accounted, from the last meeting and sitting. And so from time to time, and at all times hereafter, if there shall not be a Parliament before the tenth day of *September* in the third year, next after the last day of the last meeting, and sitting before that time assembled and held; then in every such case the Parliament shall be assembled and held in the usual place of *Westminster*, on the second *Munday*, which shall be in the Month of *November* then next ensuing, &c. See the Act at large in the Statute 16 Car. 1.

2. *An Act for the Relief of His Majesties Army, and the Northern parts of the Kingdom. Exp.*
3. *An Act for the Reforming of some things mistaken in the late Act made this present Parliament, for the granting of four Subsidies.*
4. *An Act for the further Relief of His Majesties Army in the Northern parts of the Kingdom. Exp.*
5. *An Act for the better Raising and Levying of Marriners, Sailers, and others for the present guarding of the Seas, and necessary defence of the Realm. Exp.*

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6. *An Act concerning the Limitation and Abreviation of Mich. Term.*

**T**hat the Term of Saint *Michael* yearly for ever, from and after the Feast of Saint *Michael* next coming, being in or upon *tres septimanas Sancti Michaelis*, except it be the Lords day, called *Sunday*, for the keeping of Essoyns, Proffers, Returns, and other Ceremonies. And that the full Term of Saint *Michael* for ever, from and after the first day of Saint *Michael*, next coming, take Commencement upon *quarto die* of the said *Tres Septimanas Sancti Michaelis*, and not before.

7. *An Act to prevent Inconveniencies by the untimely Adjourning of the Parliament,*

Ann. 17 Car.

**T**hat this present Parliament now assembled shall not be dissolved, unless it be by Act of Parliament to be passed for that purpose, nor shall be at any time or times, during the continuance thereof prorogued or adjourned, unless it be by Act of Parliament to be passed for that purpose, and the House of Peers at any time or times, during this Parliament, shall not be adjourned unless it be by themselves or their own order. And in like manner for the House of Commons. And all and every thing done for the Adjournment, Prorogueing, or Dissolving of this Present Parliament contrary to this Act, shall be utterly void.

8. *A Subsidie granted to the King of Tonnage, Poundage and other sums of mony, payable upon Merchandise, Exported and Imported.*

**T**hat it is and hath been the antient Right of the Subjects of this Realm, that no Subsidy, Custom, Import, or other Charge whatsoever, ought or may be laid upon any Merchandise Exported or Imported, by any Subjects, Denizens, or Aliens, without consent in Parliament.

Nevertheless the Commons taking into Consideration the great Peril that might ensue for not guarding of the Seas, in case the said sums should upon the suddain be forbidden to be paid.

1. Grant to the Kings Majesty a Subsidy called Tunnage, *viz.* upon every Tun of Sweet-Wine, that is, or shall come into this Realm, or any of His Majesties Dominions, by way of Merchandise. 2. And of every Tun of Sweet-Wines, as well *Malmesey* or others. 3. And so likewise other sums upon other Commodities.

In which Act it is declared, that if any Customer, Comptroler, Officer or other Persons, that after the determination of this Grant, shall take or receive the said Subsidy, sum of Mony, or other Imposition upon Merchandise whatsoever, Exported or Imported, except



cept by Grant in Parliament it shall be due, shall incur the forfeitures provided by the Statute of 16 R. 2. of Premuniary.

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9. *An Act for the speedy Provision of Money for disbanding the Army, and settling the Peace of the two Kingdoms of England and Scotland Exp.*

10. *An Act for the Regulating of the Privy Council, and for taking away the Court, commonly called the Star-Chamber.*

**T**hat the Court commonly called the *Star-Chamber*, and all Jurisdiction, Power and Authority, belonging unto, or exercised in the said Court, by any of the Judges, Officers or Ministers thereof, from the first of *August 1641*, be absolutely dissolved and taken away and determined. And all and every Act and Acts of Parliament, and every Article, Clause and Sentence in them, and every of them, by which any Jurisdiction, Power or Authority is given unto the said Court, or unto all, or any the Judges, Officers or Ministers thereof, or for any proceedings to be had in the said Court, or for any matter or thing therein to be drawn in question, examined and determined, shall for so much as concerneth the said Court, be from the first of *August 1641* repealed and absolutely revoked and made void.

2. That the like jurisdiction exercised in the Court before the President and Council of *Wales*, before the President and Council of the *Northern Parts*, in the Court called the Court of the Dutchy of *Lancaster*, held before the Chancellor and Council of the Court, in the Court of Exchequer of the County *Palatine of Chester*, before the Chamberlain and Council of the Court, shall from the first of *August 1641* be also repealed and absolutely revoked and made void.

3. That neither His Majesty, nor His Privy Council have, or ought to have any Jurisdiction, Power or Authority by *English* Bill, Petition, Articles, Libel or other Arbitrary way to examine, or draw in question, determine or dispose of the Lands, Tenements, Hereditaments, Goods or Chattels, of any of the Subjects of this Kingdom.

4. That if any Person shall be committed, restrained of his Liberty, or suffer Imprisonment, by the Order or Decree of the Court of *Star-Chamber*, Courts holden before the President of the Marches of *Wales*, Courts of Dutchy of *Lancaster*, Court of Exchequer of the County *Palatine of Chester*, or by the Command or Warrant of the Kings Majesty, His Heirs or Successors in their own Persons, or by Command or Warrant of the Council-Board, or by any of the Lords or otherwise of His Majesties Privy Council; in every such case the Person committed or restrained of his liberty, or suffering of Imprisonment, upon demand or motion of His Council, or other employed by him, shall have a Writ of *Habeas Corpus*, to all and every Sheriff, Goaler, or other Person in whose Custody the Person Committed or Restrained shall be at the return of the said Writ, at the charge of the Party shall forthwith cause to be

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brought the body of the Party so committed before the Judge or Justices of the said Court, from whence the Writ shall issue forth in open Court. And the Court within three days after such return made, shall proceed to examine whether the cause of such Commitment be just or legal or not, containing also a penalty upon the Lord Chancellor and Keeper of the Great seal, or any Privy Councillor or Judge, who shall do any thing contrary to the true intent and meaning of this Law, Particularizing what the penalty shall be.

II. *A Repeal of the Branch of a Statute primo Elizabethæ concerning Commissioners, or Causes Ecclesiastical.*

That whereas in the Statute of 1 Eliz. Cap. 1. there is a Clause to this effect, viz. That the Queens Majesty, Her Heirs and Successors shall have power and authority, by that Act by *Tres Patent* under the Great Seal of *England*, to assign, name, and authorize such person and persons, being natural born Subjects to her Highness, as She, her Heirs or Successors should think meet, to exercise, use, and execute under her Highness, her Heirs, or Successors, all manner of Jurisdiction, Privileges and Preheminences touching or concerning any Spiritual Jurisdiction, within her Realms of *England* and *Ireland*, or any her Highness Dominions or Countries. And to use, reform, redress, order, correct, and amend all Errors, Heresies, Schisms, Abuses, Offences, Contempts and Enormities whatsoever, which by any manner, Spiritual or Ecclesiastical Power, Authority, or Jurisdiction can or may be lawfully reformed, ordered, redressed, corrected, restrained, or amended; and that such persons so to be assigned, named, authorized, and appointed by and after the said *Tres Patent*, to him or them made and delivered, should have full power and authority by vertue of that Act, and of the said *Tres Patent*, to exercise, use, and execute all the premises, according to the tenour and effect of the said *Tres Patent*.

1. Its Enacted by Parliament, That the said Branch, Clause, Article, Sentence, and every manner and thing in that Branch shall from henceforth be repealed, annulled, revoked, and utterly made void for ever.

2. That no Archbishops, Bishops, nor Vicar-General, Chancellor, or Official, nor Commissary of any Archbishop, Bishop, or Vicar-General, or any other Spiritual or Ecclesiastical Judge, Officer, or Minister, exercising any Spiritual or Ecclesiastical powers by any Grant, Licence or Commission from the King, his Heirs or Successors, shall from and after the first of August 1641, award, impose, or inflict any Pain, Penalty, Fine, Amercement, Imprisonment, or other corporal punishment upon any of the Kings Subjects, for any contempt, misdemeanour, crime, matter, or thing whatsoever belonging to Spiritual or Ecclesiastical Jurisdiction, or shall *ex officio*, or otherwise tender, give, or minister unto any Church-warden, Sideman or any other person whatsoever, any corporal Oath to make any Presentment of any crime or offence, or to confess or accuse himself of any crime or offence, delinquency,



quency, or misdemeanour, whereby or by reason whereof he or she may be liable to any pain, penalty or punishment whatsoever, upon pain to forfeit to every Party so grieved treble damages, and 100 £. to him or them that shall first demand or sue for the same, the said treble damages, and 100 £. to be demanded and recovered by Action of Debt, in any Court of Record, wherein no Priviledge is Essoyned, Protection or Wager of Law shall be allowed the Defendant: And every Person for any act or offence prohibited by this Statute shall be disabled to continue in any Office or Employment of Justice, or to exercise any Authority by force of any Commission or Letters Patents of the King, His Heirs and Successors.

That after the first of *August* (41.) no new Courts shall be erected, ordained or appointed within the Realm of *England*, and Dominion of *Wales*, that shall have the like Power, Jurisdiction, or Authority, as the High-Commission Court hath or pretendeth to have; but all such Letters Patents, Commissions, and Grants, made, or to be made, by the King, His Heirs or Successors, and all Powers and Authorities granted, or mentioned to be given thereby, and all Acts, Sentences, and decrees made by vertue and colour thereof, shall be utterly void.

12. *A Subsidy granted to the King of Tonnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported. Exp.*
13. *An Act for the securing of such Monies as are or shall be due from the Inhabitants of the County of York, and the other adjoyning Counties; wherein His Majesties Army is or hath been Billited for the Billit of the Soldiers of the said Army.*
14. *An Act for the declaring unlawful, and void the late Proceedings touching Ship-Money, and for the vacuating all Records and Procefs concerning the same.*

**T**Hat the Charge imposed upon the Subject for providing and furnishing of Ships, commonly called Ship-Money, and the extra-judicial Opinions of the Justices and Barons, and the Writs, and every of them, and the Agreement or Opinion of the greater part of the Justices and Barons, and the Judgment given against *John Hampden* Esq; for the Payment of Ship-money, were, and are contrary to, and against the Laws and Statutes of the Realm, the Right of Property, the Liberty of the Subjects, former Resolutions of Parliament, and the Petition of Right made in the third year of His Majesty that now is.

That all and every the Particulars prayed and desired in the Petition of Right, shall from henceforth be put in execution, and shall be firmly and strictly holden and observed, as in the same Petition they

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they are prayed and expressed; and that all and every the Records and Remembrances of all and every the said Judgments against the said *John Hampden*, and all and every the Proceedings whatsoever upon or by colour of any of the said Writs, called *Ship-Writs*, and all and every the Defendants on every of them, shall be adjudged to all intents, constructions and purposes, to be utterly void, and that all and every the said Judgment, Inrollment, Entries, Proceedings and Dependants of what kind soever, shall be vacated and cancelled, in such manner and form as Records use to be that are vacated.

15. *An Act against divers Incroachments and Oppressions in the Stannery Courts.*

16. *An Act for the certainty of Forrests, and of the Meets, Meers, Limits, and Bounds of the Forrests.*

**T**Hat from henceforth the Meets, Meers, Limits and Bounds of all and every the Forrests shall be adjudged and taken to extend no further respectively than the Meets, Meers, Limits and Bounds in the severall Counties respectively, wherein the said Forrests were commonly known, reputed used, or taken in the 20<sup>th</sup> year of the Reign of the late King *James*, and not beyond, any Perambulation, Judgments, Presentments, Surveys or Decrees, or other matter or thing, to the contrary notwithstanding. And all and every Presentment of any Person or Persons at any Justice-Seat, Swain-mote, or Court of Attachment, for, or by reason or colour of any Acts whatsoever done or committed in any Place without or beyond the said Meets, Meers, &c. See the Act more at large.

17. *An Act for the Pacification between England and Scotland Exp.*

18. *An Act for securing by Publick Faith, the remainder of the Frendly Assistance and Relief promised to our Brethren of Scotland Exp. viz.*

**T**Hat the Sum of 220000 *l.* shall be paid into the Chamber of the City of *London* for the use of our Brethren of *Scotland*, the Sum of 110000 *l.* on or before the 24<sup>th</sup> of *June* 1642. the other 110000 *l.* on or before the 24<sup>th</sup> of *June* 1643.

That the Persons particularly named in the Act, are and shall be Persons to whom our Brethren of *Scotland* may from time to time address themselves for the receiving of the said 220000 *l.* at the days and place appointed; and the said Persons are to cause the said Sum of 220000 to be issued out of the Chamber of *London*



don to such Persons as by Act of Parliament of the Kingdom of *Scotland* shall be authorized to receive, and to give Acquittances and Discharges for the same. *Carol: 16.*

19. *An Act for the better ordering and regulating of the office of Clark of the Market, allowed and confirmed by this Statute, and for the Reformation of false Weights and Measures; which see at large.*

20. *An Act for the prevention of vexatious Proceedings touching the Order of Knighthood.*

**T**Hat no Person or Persons of what Condition, Quality, Estate or Degree soever, shall at any time be restrained or compelled by any Writ or Process of the Court of *Chancery*, or Court of *Exchequer*, or otherwise by any means whatsoever, to receive or take upon him or them respectively the Order or Dignity of Knighthood, nor shall suffer or undergo any Fine, trouble or molestation whatsoever, by reason or colour of his or their having not received or taken upon him or them the said Order or Dignity: And all and every Writ and Process whatsoever, and all Proceedings had and made contrary to the intent of this Statute, shall be utterly void.

21. *An Act for the free bringing in of Gun-Powder and Salt-Peter from Forreign Parts, and for the free making of Gun-Powder in this Realm.*

**T**Hat all and singular Persons, as well Strangers as Natural born Subjects, may import into this Kingdom any quantities of Gun-powder whatsoever, paying such Customs and Duties for the same as shall be set down by Authority of Parliament.

That it be lawful for His Majesties Subjects of the Realm of *England* to make and sell any quantities of Gun-powder, and bring into the Kingdom any quantity of Salt-Peter, Brimstone, or other materials for the making thereof.

That no Person or Persons after the first of *August 1641*. shall put in execution any Letters Patents, Proclamation, Edict, Act, Order, Warrant, Restraint, or Inhibition, whereby the Importation of Gun-powder, Salt-Peter, Brimstone, or other Materials for the making thereof from Forreign Parts, or the making of Gun-powder within the Realm shall be by any way retained.

22. *A Subsidy granted to the King of Tonnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported. Exp.*

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23. *An Act for the raising of Mariners and Sailors for the Guarding of the Seas, and His Majesties Dominions. Exp.*

24. *An Act for the disenabling all Persons in Holy Orders to exercise any Temporal Jurisdiction or Authority. Rep. St. 13. Car. 1. Cap. 2. which Act was to this Effect.*

**T**Hat no Arch-Bishop or Bishop, or other Person that is or shall be in Holy Orders at any time after the 14<sup>th</sup> of February 1641. shall have any Seat or Place, Suffrage or Voice, or execute any Power or Authority in the Parliaments of this Realm, nor shall be of the Privy-Council of His Majesty, or Justice of the Peace of Oyer and Terminor or Coale-delivery, or execute any Temporal Authority by vertue of any Commission, but shall be wholly disabled to execute any of the said Offices, Places, Powers or Authorities.

That all Acts from and after the said 15 Feb. done or executed by any Arch-Bishop, Bishop, or other Person in Holy Orders, and every Suffrage and Voice given by them, or any other thing done by them contrary to the purport of this Act, shall be void to all intents and purposes.

There were several other Acts which passed about that time.

*F I N I S.*



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*Star-Chamber Reports, from p. 1. to 75.*  
*Mr. Struther his Letter to the Earl of Airth, 155.*

**T.**

**T**itles defective. 100.

**V.**

**V**indication of *Marquess Hamilton. 140. &c.*  
*Votes about Ship-money, 216, &c.*

**W.**

**W**rit for *Ship-money*, 213.

F I N I S.



# APPENDIX.

## Star Chamber Reports.

For the Years

1625, 1626, 1627, 1628.

*Pasc.* 1 Car. I.



He Defendant *Nelson* having conceived malice against the Plaintiff, being an Aged Minister, and of very small Estate, vowed to be revenged of him, and to beggar him; and to that end the Defendants riotously assembled themselves upon the Plaintiffs Glebe, and digged several Trenches therein, and the Plaintiffs Wife coming thither, and perswading them to desist; *Nelson* assaulted her, beat her, and dragged her on the ground; And the Defendant *Nelson*, being an Attorney, sued out a Writ of Priviledge against the Plaintiff for a pretended old Debt of forty shillings, and procured Warrant thereupon to be directed to the Defendant *Poppleton*, who by colour thereof, by the procurement of the other Defendants, arrested the Plaintiff in his Parish Church upon *Good Friday*, when he and his Parishioners attended to receive and celebrate the Holy Communion, and refused to accept any Bail for him; and the Plaintiff thereupon withdrawing himself into the Vestry, the Defendants round beset the Church, and vowed to pine and starve the Plaintiff there unless he would presently render himself to them, and to that end they continued in the Church in disorderly manner day and night till *Easter* day in the Morning, and disordered themselves with excessive drinking, and did violently assault and beat the Plaintiffs Wife and Children in the Church-yard as they were coming with food to relieve him, and on *Easter* day, before the Plaintiff had fully ended the Celebration of the Communion, the Defendant *Poppleton* again Arrested him, and refused Bail, and he and others of the Defendants forcibly carried him out of the Church in his Surplice to an Alehouse, and the next day to the Goal, and there charged him with an Outlawry for a supposed Debt for which he had an Acquittance, and there kept him eight days without Bail, though sufficient Bail were offered. And for these offences they were all committed to the Fleet: And *Nelson*, for beating the Plaintiff on the Glebe-Lands, fined twenty pounds; *Poppleton* fined two hundred pounds, and two others twenty pounds apiece; and *Poppleton* to be set in the Pillory, with a Paper declaring his offence, and there, as also in the Plaintiffs Parish Church to ask him

*Balfield Cler.  
versus Popple-  
ton & al.*

Arrests in the  
Church at the  
Celebration  
of the Holy  
Communion  
another in-  
humane usage  
of a Minister.

An. 1625.



100 l. damage.

*Beverly versus Power & al.*  
Spitting in the Plaintiffs Face and kicking him. Plaintiff and Defendant both fined. Damage to the Defendants for scandal.

*Remington & al. versus Allen & al.*  
Conspiracy to Indict of Barratry. Raising a common Purse to Prosecute the same. Labouring of Jurors.

forgiveness, and in like manner to ask God, his Majesty and the Plaintiff forgiveness in the Cathedral Church at *York*, kneeling upon his Knees in some eminent place of the Church, and the Decree to be read at both Churches after Service and Sermon ended, and the Defendants convicted to pay the Plaintiff one hundred pounds Damages.

The Defendant *Power* meeting the Plaintiff in the High Way did spit in his face, and at another time kickt the Plaintiff with his Spurs as he followed him up Sir *James Leigh* his Stairs in *Lincolns Inn*, and for these offences was committed to the Fleet, and fined 200 l. And for that the Plaintiff had charged the Defendants with other foul Crimes, whereof they made no manner of Proof, but deserted it, at the Hearing, the Court held it a meer Libel and Scandal, and Fined the Plaintiff 500 l. and to pay 500 Marks damages to two of the Defendants, and 100 l. Damages to three others who were charged to be Agents and Actors in the Conspiracy with the other Defendants.

The Defendants out of Malice to the Plaintiffs, and by Conspiracy met together, and procured an Indictment of Barratry against the Plaintiffs, and devised and put in writing certain Articles against them, and agreed who should depose and swear to the same, and made a Common Purse to maintain the said Indictment and Articles, and other necessary occasions at the Assizes, and at the next Quarter Sessions they did prefer those Indictments and Articles to the Grand Jury, and desired their favours therein, and said they would be thankful unto them for it, and then the Plaintiffs upon the Defendants evidence were found Guilty by the Jury, but Traversed the same, and were thereupon acquitted, although the Defendants did labour some of that Jury also for their favours, and promised them to be thankful for it, and for this they were all committed to the Fleet, *Chambers* Fined 200 l. and the others 300 Marks apiece.

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*Michael.* 1 Car.

*Alexander versus Yates.*

Falsifying a Copy of a Record, and offering to mislead the Court in Judgment by it.

100 l. damage.

*Houghton versus Henthorne & al.*

THE Plaintiff against the Hearing of the Cause, finding that he had but one Positive Witness against the Defendant, and that the Testimony of his other Witness was but upon Hearsay, did to bring about his ends, and to mislead the Court in judgment, alter his Coppies by striking out the words (*that* and *did*,) and by that means made it a Positive Deposition, and caused it to be so read in Court: And for this offence he was committed, Fined 500 l. to acknowledge his offence in this Court, disabled to practise as a Counsellour at Law, referred to the Governours of *Lincolns Inn*, to expel him the House, and to pay Mr. *Nevil* his Attourneys Clerk, on whom he endeavoured to lay the offence, 100 l. damages.

The Plaintiff having with much labour gotten one *Thomson* arrested at his suit upon a Bond of 400 l. the Bailiffs brought him to the Defendant *Jordens* house, being a Common Inn; and *Jorden*, being then also Constable, promised their Prisoner should be safe; yet about Eleven and twelve of the Clock in the Night he and the other Defendants, one

of



of them being a Minister, came Armed to the Chamber where the Bailiffs and Prisoner were, and by threats forced the Bailiffs to drink healths excessively, and at length conveyed the said *Thompson* out of a Window or Hole, which they brake for that purpose, and down a Ladder, by them there placed for his escape, so as the Plaintiff could not after take him again; and for this the Defendants were all committed to the Fleet, Fined 200*l.* a piece; *Jorden* the Inn-Keeper and Constable disabled to bear any Office of Constable, or the like, or to keep an Inn or Ale-house ever after, and bound to his good Behaviour; *Long* the Minister left for further Punishment, either by degrading him, or otherwise to the Ordinary of the Diocess of *Oxon*, wherein he lived, and all the Defendants to pay the Plaintiff 40*l.* for his Damages.

*Hill.* 1 Car.

Refuse or procurement of an escape.

Degradation of a Minister left to the Ordinary of a Diocess.  
40*l.* damage.

*Hillar.* 1 Car.

**T**HE Defendant Sir *John York* often gave direction to the Defendants *Fenton* and *John York* to hunt and kill Deer in *Appletreewick* fields, and accordingly they with others in 19 *Jacobi* with a Gun shot one of the Plaintiffs Stags feeding in one of his Grounds, and pursued him with a Bloud-hound; and being interrupted by one of the Keepers, *Fenton* bent the Cock of his Piece, and leveled it at the Plaintiffs Servant; and *John York* said they would hunt and kill the Deer at their pleasure: And *Fenton* at another time in Sir *John Yorks* presence, and by his direction shot with his Gun at ten of the Plaintiffs Stags in *Appletreewick* fields, and Sir *John* in a haughty manner sent the Plaintiff word he would hunt and kill Deer there if he could, and for this Hunting, and using braving and provoking speeches, they were committed to the Fleet, Sir *John* Fined 200*l.* *Fenton* 100*l.* and *John York* 50*l.* but the title touching the bounds of the Plaintiffs Chace of *Skipton* and *Barden*, and touching the Rights and Bounds of the Defendants Mannor of *Appletreewick* the Court would not meddle with, but left it to the Law without prejudice on either side.

Comes Cumbric *aribus* York Knight, & al.

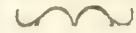
Killing the Plaintiffs Deer in *Appletreewick* Fields.

The Defendant *John Jones* Esquire, taking notice of a suit between *John Thayer* the Younger, one of the now Plaintiffs against *John Thayer* the Elder, his Brother, upon a Bond, forfeited for not performing an Award, often and earnestly solicited one *Wood* an Attorney to follow the said Cause with Effect, and promised, and undertook to pay the said *Wood* all his Disbursements thereabouts, and gave *Wood* directions to sue forth a Latitate against him, and promised to procure Witnesses against the Trial, and to be thankful to them, and to gratifie them for the same; and the cause being brought to issue, Judgment was Indirectly obtained, and an Execution sued out by the said *John Jones* his direction to levy a Debt of 40*l.* and 9*l.* for Charges; and the said *Thayer* the Elder hearing of it, caused a Writ of Error and Superfedeas to be sued out, and a Superfedeas to be delivered to the Sheriffs Deputy, who gave notice thereof to the Sheriff; yet the Defendant *John Jones* having also Notice of the said Superfedeas, and of the Sheriffs knowledge of it very earnestly by threats and otherwise laboured and perswaded the Sheriff to execute the said Writ, and to Levy the said Debt and Costs, and offered to be bound to save the Sheriffs harmless;

*Hambury* & *al.* *versus* Jones & al.

Maintenance of an Action in the name of one of the Plaintiffs.

An. 1625.



Extortion by  
colour of be-  
ing Clerk to a  
Register of  
Gloucester.

And the Defendant *Gilbert Jones* likewise laboured the Sheriff to execute the said Writ, although he knew of the Superfedeas, and the Defendant *John Addams* being Clerk or Deputy to the Defendant *John Jones*, Register of *Gloucester*, did by colour of his Place extort for the Probate of a Will 6 s. over and above the due Fees, and for this Maintenance and Endeavour to pervert Justice, *John* and *Gilbert Jones* were both committed to the *Fleet*; *John* Fined 200 Marks, and *Gilbert* 20 l. and *Addams* for his Extortion was Committed and Fined 40 l.

Pasc. 2 Car.

Booke & al.  
versus Watson  
& al.

Forgery of a  
Deed.

Trin. 2 Car.

Perjury in an  
Affidavid in  
Chancery.

100 l. Damage.

THE Defendant *Watson* having gotten into his Custody a Deed of certain Lands, made by *John Shaw*, the Grandfather to *John Shaw* the Son, in the *Habendum* whereof was contained an Estate Tail limited, *John* the Son did Forge and procure the other Defendant *Richard Barrow* to Forge and Write another Deed of the same date; and agreeing in all points with the true Deed, saving that in the *Habendum* of the false Deed, he made it to contain an Estate in Fee-simple, limited to the said *John Shaw* the Son and his Heirs, and thereto subscribed the name of *John Shaw* the Grandfather, with his hand and Seal thereunto, and Endorced, or procured to be Endorced on the back-side of the said forged Deed, the true names of the Witnesses, as testifying the sealing and delivery thereof, and Execution of livery thereupon; And at a Trial in September 17. *Jacobi* published and justified the said false Deed to be a true Deed, thereby to make good his Title to the said Lands, and the now Plaintiffs thereupon Exhibiting their Bill into Chancery against *Watson*, they examined *Barrow* as a Witness, and there he truly confest that he writ the said Forged Deed at *Watsons* earnest solicitation, out of a Copy which *Watson* delivered him, written with his the said *Watsons* own hand; yet afterwards the said *Barrow*, by the subornation of the said *Watson*, falsely deposed before a Master of the Chancery, that the now Plaintiffs procured him to confess upon his said Examination as a Witness that he writ the said Forged Deed out of a Copy delivered to him by the Defendant *Watson*, and that they promised him 40 l. for the same, and that thereby, and by the threats of one of the Plaintiffs, then Commissioners, he was drawn to confess that he writ the said Deed, when as in truth he never made the said Deed; and for this Forgery and subornation of Perjury *Watson* was Committed to the *Fleet*, bound to his good behaviour, Fined 200 l. for the Forgery, and 200 l. more for the subornation of Perjury, and to stand in the Pillory at *Westminster*, and in the Country, with a Paper on his head, declaring the nature of his offence, and his ears nailed to the Pillory; and *Barrow* in respect of his Confession and Penitency at the Bar, and for that he was drawn thereto by *Watson*, for fear of him, to whom he stood indebted, and was not able to satisfy him, was only Committed, and Fined 100 l. for the Forgery, and to wear Papers on his head declaring his offence of wilful Perjury, and both of them to pay the Plaintiff 100 l. Damages.

Trin.



Trim. 2 Car.

Tri. 2 Car.

Woodrow  
versus Crisp  
& al.

**T**He Defendant *Dorothy Crispe* took upon her to cure the Plaintiffs Son of the Falling-sickness, and had 20 *l.* given her in hand, and was to have 20 *l.* more when he was perfectly cured; and the said *Dorothy*, under pretence of the more conveniency to work the Cure, got the Plaintiff to place her Son at a House near to the said Defendants House; and having a secret intention in the time of his weakness to procure him to marry her Daughter *Eleanor Crispe*, who then was a Servant, and attended a Lady; she first endeavoured to persuade the Plaintiffs Son that Marriage would be a great means to procure his Recovery, and told him that she knew a Gentleman that was cured by it: And the better to accomplish her design, got him home to her own House, and endeavoured to draw and allure the Servant that attended him to further her design; but he, not yielding to it, gave notice to his Mother that he was not bettered by the said *Dorothies* cure, but grew weaker both in body and mind through the violence and continuance of his Fits; the Plaintiff took him home to her house, and kept him there from *May* till *October*. And then the said *Dorothy* continuing her Resolution to make a prey of the said Plaintiffs Son, who had a great Estate left him by his Father, and a possibility of a great increase there-to by the Plaintiff his Mother, perswaded the Plaintiff to let her have her Son home again, pretending that by taking the benefit of the season of the year, being then the Fall of the Leaf, and of the Spring following, ( she confidently assured the Plaintiff ) she would perfectly recover him thereof; and having by this perswasion gotten him again into her House, she then upon a false suggestion got his Servant, who formerly attended him, to be turned away, and procured the Defendant *Lancelot Ainsworth*, a fit Instrument for her purpose, to be appointed to attend him; and then acquainted all the Defendants with her purpose of marrying the Plaintiffs said Son to the Defendant *Eleanor*; and for that purpose sent for her home from Service, and caused the Defendant *Anthony Crispe* to provide a Wedding Ring, and to get a License in readiness to Authorize their Marriage, for the obtaining whereof, the said *Anthony Crispe*, with others, entered into a Bond of 100 *l.* with condition that there was no let or impediment but they might lawfully marry; and that they should not proceed to marry without consent of Parents or Governours; and thereupon obtained a License, directed to the Minister of the Parish, who refused to meddle therewith, and perswaded the Defendant *Dorothy* to desist from her practice; yet she by practice with the other Defendants gave him sundry Potions, and endeavoured by many perswasions, and taking advantage of his insensibility, by giving him over-much Wine, to take a liking to the Defendant *Eleanor*, telling him his Mother was content with it; and in the end, when by reason of the weakness of his body and understanding they knew not well how to effect their desire, the Defendants agreed together immediately after his next Fit to solemnize the Marriage, which they effected accordingly, the Plaintiffs said Son being at that time without common sense or understanding, and scarce able to utter the words of Matrimony, although the Defendant *Hugh Jones*, that married them, helped and directed him the best he could; and then the said Defendant *Eleanor*, with the advice and direction of the other Defendants,

Practice to marry the Plaintiffs Son in his great weakness and sickness, whereof he died, to the end to make a prey of his Estate.

An. 1625.

All benefit of  
the Marriage  
taken away  
by this De-  
cree from the  
Defendant.

Broadgate  
versus Glover  
& al.

Deeds dam-  
ned though no  
body senten-  
ced for the  
Forgery, and  
possession gi-  
ven to the  
Defendants,  
although  
three Ver-  
dicts had past  
against their  
Title.

Defendants, sued for Alimony out of the said Plaintiffs Sons Estate : And for this foul practice the Defendants were all committed to the Fleet, *Dorothy Crispe* Fined 500 l. *Eleanor* 500 l. *Anthony Crispe* 300 l. *Lancellot Ainsworth* 250 l. and *Hugh Jones* Clerk 200 l. And to discourage others from the like attempts, the Court further decreed, that the said *Eleanor Crispe*, alias *Woodrow*, and all claiming from or by her, should be barred and excluded from claiming any manner of benefit or advantage by Dower, or by the Custom of the City of *London*, or otherwise, out of the real or personal Estate of the Plaintiffs said Son since deceased.

The Bill was exhibited for and concerning the forging, framing, and publishing a Deed of Feoffment supposed to be made by *William Glover* deceased, Grandfather to the Defendant *William Glover*, of divers Messuages, Lands, and Tenements in *Hellidon* in the County of *Northampton*, to defeat the Plaintiff and other Purchasers of the Lands by them purchased, by *William Glover*, Father of the Defendant *William Glover* ; And upon the hearing, albeit the Court could not sentence any of the Defendants for the Forgery, or for publishing the Deed, knowing it to be forged, yet upon comparing the Deed with other true Deeds, and upon consideration of sundry forcible Circumstances and violent Presumptions, the Court was satisfied ; adjudged, and decreed, that the Deed complained of was a forged Deed, and that it should be damned and made void, never to be given in evidence after ; and withal settled the Plaintiffs and their Heirs in the quiet possession of the Lands in question, never to be again molested for the same, although three Verdicts and a Judgment by *Nihil dicit* had formerly past in countenance of the said forged Deed, and affirmation of the Defendants Title, and all those Verdicts and Judgments were ordered to be of no use, benefit, or advantage to the Defendants, or any other claiming from, by, or under them.

### Hill. 2 Car.

Frize versus  
Bennet & al.

Publishing of  
libellous  
Songs.

The Defendant bearing malice to the Plaintiff did at several times and places, and to several persons in Alehouses, and elsewhere, publish, divulge, and sing several Libels to the scandal of the Plaintiff, and alleged the Plaintiff was intended thereby ; one of which Libels was intituled, *A proper Song of a great Blockhead Woollen-Draper, dwelling in Holborn, who gave a Tailors Wife a Yard of old Frize for a Jerkin, &c.* and contained obscene and scurrilous matter, not fit to be recited ; and for this they were committed to the Fleet, *Bennet* fined 500 Marks, *Aylet* 200 l. and *Longdale* 100 Marks : But the Court would give the Plaintiff no damages, because he took delight in repetition of the Libel, and because he was of suspected life and conversation.

Pasc.



Pasch. 3 Car.

Hill. Pasch.  
3 Car.Attor. Regis  
Rel.  
Tho. Whit-  
lache *versus*  
Moody *Amig.*  
& *Uxor.*

**T**He Defend. *Moody* conceiving malice against the Relator for contracting *Mary Rud*, his Wives Daughter, unto one *Charles Adyn*, Nephew to the said *Moody*; and the Marriage coming after in question in the Court of Arches, the Defendant *Moody* also grew offended with *Sir William Byrd* Knight, then Judge of the said Court, for granting a Sequestration of the body of the said *Mary*, and a Licence to Marry her, and thereupon the said *Moody* framed two libellous Letters, one in the name of his Wife, whereto she set her hand after it was transcribed by a servant, and directed and sent it to Mrs. *Adyn*, and another in his own name directed and sent to the said Mrs. *Adyn*, in which first Letter the Defendant did not only scandal the Court of Arches, terming it to be the Lemman Court, where none but Lemmans and Knaves seek their prey: And the Law thereof the cruel Law, with other scandalous and malicious terms and phrases. But did also therein endeavour to lay an imputation and scandal upon the said *Sir William Bird*, then Judg of the said Court, and all others the Doctors and Proctors, and Officers of the Court, terming them Wolves that live by the rapine of innocent and harmless Virgins, and the other Letter contained the like phrases: And the Defendant, *Moody*, afterwards read and published both the said libellous Letters unto one *Elizabeth Farnaby*; and for this *Moody* and his wife were both Committed to the Fleet, he Fined 200 *l.* and she 100 *l.* and Mr. *Moody* to come into this Court, and in humble and submissive manner under his hand acknowledg his great offence in falsly scandalizing both the said Court and Judg.

Scandal of the  
Court of Ar-  
ches and the  
Judg and Offi-  
cers thereof.By Libellous  
Letters.

The Defendant, *Meeke*, taking upon him to Solicite Causes, and understanding of a Judgment entred of Record against the Plaintiff and one *Vaughan*, in the name of one *Baker*, about sixteen years then past, upon a Bond of 200 *l.* wherein the Plaintiff bound as Surety for *Vaughan*, procured the Bond and Judgment to be Assigned over to himself, but to the use of one *Walter Meek*, his Uncle, and thereupon caused a Writ of *Scire facias* to be Sued out upon the said Judgment, against the Plaintiff, and an Execution against his body, both directed to the Sheriffs of London, and in Easter-Term, 22. Jac. procured the Plaintiff to be Arrested on a feigned Action of 300 *l.* in London, at the Suit of one *Lewes*, but without his privity, warrant, or consent, and after he had been in Custody about an hour and half, the Defendant *Meek* then caused him to be Arrested upon the Execution, whereby he was compelled to pay 203 *l.* although as the Court conceived the Debt was long before satisfied. And for this the Defendant, *William Meeke*, was Committed and Fined 500 Marks. And for that it appeared that the Defendant being convented before the Plaintiff, for a misdemeanour, kept his Hat on his Head, and being drunk answered him very contemptuously, and after in several Ale-houses termed him *flitten Justice*, and *Justice Break-peace*, the Court Ordered him to be bound to the good behaviour, and withal Ordered that the Ale-house-keeper in whose house he was made drunk, being the Witness in this Cause, should be put down and disabled for three years to keep an Ale-house.

Bridges, Esq;  
*versus* Meek.Maintenance  
and Chan-  
perry.

The

An. 1625.

Hastings Ar.,  
 mig. vs. Brune  
 Rt. & al.  
 Killing His  
 Majesties Deer  
 in New Forrest.

Attor. Regis ore  
 tenus versus  
 Tho. Perkins.

Scandal of His  
 Majesty, His  
 Privy-Council  
 and Judges by  
 libelous and  
 seditious Let-  
 ters.

Seditious op-  
 posing His Ma-  
 jesties servi-  
 ces.

The Defendant did Hunt and Course with six or seven Grey Hounds, which they and the Defendant *Brune* brought thither for that purpose, His Majesties Deer in *New Forest*, and a Hind and a Brocket Sulter, being then both out of Season, and carried them away, and Sir *John Brune*, stood on a Hill near the Forest and disposed of the Deer, and for this they were all Committed to the *Fleet*, *Brune* Fined 100 *l.* and four others 50 *l.* apiece.

The Defendant at such time as His Majesties Commissioners, for Collection of the Loan-mony, were to meet and sit at *Nottingham*, scattered in the High-way, as the Freeholders were to come to the Town, divers Libellous, Scandalous, and Seditious Letters, both against the King and State, directed to Freeholders and true hearted *English* men, with intent to dissuade all the Freeholders of the said County of *Nottingham*, from yielding to subscribe to the said Loans, or to furnish the King with any mony, but such as should be required in a Parliamentary course, and therein disloyally slandered His Majesty and Privy Council with injustice, oppression and cruelty: affirmeth that His Majesty, by this course of raising mony, did lay a Tax and Burthen on the Country heavier than they were able to bear, that this course was devised of purpose to subvert the power of Parliaments, that so the poor Country might be oppressed without any means of redress, and great Offenders, the Blood-suckers of the Common-Wealth, escape without questioning and punishment, and that this course at once destroys all the Freedom of our Nation, and that if this course of raising mony, without Law, be yielded unto, they should never see more Parliaments, but they and their Posterity should be slaves for ever: and thereby also laid a foul aspersion, and false imputation upon all the Judges; falsely affirming that they withstood this course as against Law, and seditiously laid an aspersion, and endeavoured to bring envy and reproach upon all such as either had or should yield and condescend to these Loans, falsely and maliciously charging them that they did betray their own Liberties,, either for base fear, or to curry favour with Great Ones, and lastly did most seditiously advise the Freeholders to Unite themselves together, and if they meant to preserve their Rights and Estates to Posterity, they should resolutely with a common consent refuse to give mony any way but by Parliament, and that by yielding they would become the instruments of their own bondage without recovery; and the better to dissuade them, affirmed that divers Counties had so done, and that all the Commissioners in *Lincolnshire*, but two or three, had refused and denied to give any mony but by way of Parliament; and for this the Defendant was Committed to the *Fleet* during the Kings pleasure, and Fined 3000 *l.*

Trit. 3 Car.

Titoe, & al.  
 versus New-  
 dike & al.

THE Defendant *Newdike*, the Elder, having for several great sums of mony to him paid by the Plaintiff, made several Conveyances unto them of his Lands, and entred into several Statutes, with intent to make void all the said former Assurances, and to defeat the Plaintiff, *Titoe*, of his Purchase, and of his just and due Debt, and the other Plaintiff of a

Lease



Lease which the Purchaser for 1200 *l.* caused a Deed of Feoffment, to be made with an Antedate and Indorsement of Livery and Seizin to be Antedated thereupon, and the Deed to be then Enrolled, in the Court of Exchequer, the better to give countenance to it, whereby he settled the said Lands, Sold and Leased to the Plaintiff as aforesaid, upon his Son and his Heirs, and published and set on foot this Deed (although he had formerly undertaken to the Plaintiff that the said Lands were free from all incumbrances,) and for this deceit he was Committed to the Fleet, Fined 500 *l.* and to pay 100 *l.* Damages to *Titoe*, and ordered the said fraudulent deed to be damned, made void, and Cancelled, and no use or benefit ever to be made of the enrolment of it.

And the Court doth withal declare, that if any man do make Conveyances of his Lands, or acknowledge Statutes, or Recognizances, or suffer Judgments, whether the same be upon just and good considerations, or without, and concealing the same, do afterwards, for valuable considerations, convey the same Lands to other persons, as though the same were free from any manner of incumbrance; such double and unjust dealing is a notorious fraud and deceit against the Law of the Realm, and fit for the Censure of this Court; and that albeit such former Conveyances and Incumbrances, if they be upon good consideration, and *bona fide*, cannot be avoided; yet this Court will upon complaint punish the Offenders and their Confederates by Imprisonment, Fine, and Damages to the Party grieved, to the full of his loss and hinderances, and otherwise, as the cause shall require.

The Defendant, *Marcii* 4. 16 *Jacobi*, accompanied with three or four other riotous Persons, all armed, came unto a house, then in the quiet possession of the Plaintiff, or his under-Tenant, and there riotously broke open the Doors, entred the house, and forcibly assaulted, expelled, and thrust out all such persons as were then in the said House, and riotously kept the possession thereof; and for this he was committed to the Fleet, and fined 20 *l.*

*Mich. 3 Car.*

THE Plaintiff being lawfully possessed of Land in *Sommerby*, in the County of *Leicester*, which he purchased from one *Dausy*, received one years profit thereof, and then sowed the ground with Corn; and *Dausy* dying before the Corn was ripe, the Defendant *Cave* pretended title both to the said Corn and Ground; and in Harvest time, when the Plaintiffs Servants were cutting the Corn, sent the other Defendants several times to fetch the Corn away, and promised to bear them out, if it cost him 500 *l.* and accordingly the said other Defendants went to the said ground, and in a riotous and forcible manner took away one Cart-load of the said Corn in despite of the Plaintiffs Servants and Workmen, whom they then also violently assaulted, threw them down, and drew them about, and brake one of their Sithes, saying, They would have the Corn, and the Defendant *Cave* would bear them out: and for this they were committed to the Fleet; *Cave*, the procurer, fined 100 *l.* and fourteen others 20 *l.* apiece.

*Mic. 3 Car.*

Setting on foot a Fraudulent Antedated Deed to deceive Purchasers.

The Deed damned.

100 *l.* damage.

Board Knight *versus* Wood.

Riot.

*Bluet versus Cave armig. & al. & c. contra.*

Riotous taking away of Corn.

Cross Riots complained of.

Allen *versus*  
Watson & al.

Riotous beating  
and  
wounding the  
Plaintiff.

Perjury in an  
Affidavit in  
this Court.

The Defendant *William Watson*, having cut down several Timber Trees, which of right belonged to the Plaintiff, coming to the place, and claiming the same as his goods; and requiring *Watson* not to meddle with them, he and the other Defendants thereupon (being armed) riotously assaulted and set upon the Plaintiff, and the three *Watsons* gave him three cruel and dangerous wounds in his Thigh and Arm, and the Defendant *Cooper* struck him divers blows on the head, by reason of which blows and wounds the Plaintiff was twice speechless, and long languished in danger of his life: And the Defendant *William Watson*, to procure a retainer of a Cause, wherein he was Plaintiff, which was distinguished because he attended not to prosecute at the Hearing, and to avoid a Fine of 20 *l.* imposed on him for not prosecuting thereof, made a false Affidavit in this Court, that he could not attend that Hearing without danger of his life, for that in *September* before he had been wounded in the Head, and stabbed in the Thigh with a Pitchfork by the Plaintiff, and was not then perfectly recovered of the said hurts; all which was utterly false and untrue, and for these Offences the Defendants were all committed to the *Fleet*, *William Watson* fined 200 *l.* for the Riot, and 300 *l.* more for his Perjury; three others fined 200 Marks apiece, and three more 40 *l.* apiece for the said Riot.

Vane Esquire  
*versus* Morgan  
& al.

Riotous beating  
and abuse  
of a Justice  
of Peace.

Rescue of a  
Prisoner from  
Constables.

100 *l.* damage.

Danvers Kt.  
*versus* Gorge  
& al.

Riotous pulling  
down of  
Pales.

The Defendant in the Market-place, and on a Market or Fair day, in the Town of *Caerleon* in the County of *Monmouth*, with others in their company, encompassed the Plaintiff, and then *Edward Morgan* in disgraceful quarrelling and provoking manner jostled the Plaintiff twice or thrice, and *Walter Jones* called him *Scurvy Rogue*, and said he would pay him, and then struck him on the face, chucked him under the Chin, and drew his Sword, swearing he would be revenged on the Plaintiff, and used what means he could to have struck him; and the Plaintiff, being then a Justice of the Peace of that County, commanded the Defendant *John Morgan*, being a High-Constable, to apprehend the said *Jones*; but he, contrary to his duty, neglected it; and the said *Jones* being afterwards apprehended by other Constables, the three *Morgans* followed to rescue him from the Constables, which they did accordingly, and *Edward Morgan* did again divers times strike and kick the Plaintiff, and spit thrice in his face, and attempted to strike up his heels, and threw his Hat in the Kennel; and *Jones* being rescued, again assaulted the Plaintiff, struck him with his Fist, and tore his Ruff from his Neck; and for this insolent Riot and Rescue the Defendants were all committed to the *Fleet*; *Edward Morgan* and *Walter Jones* fined 200 *l.* apiece, *John Morgan* 100 *l.* and *Rowland Morgan* 40 *l.* and the said Defendants to pay the Plaintiff 100 *l.* for his damages.

The Plaintiff, having recovered by a Trial at Law the possession of a House and Garden in *Chelsey* was put in possession by the Sheriff, and to preserve peace, a Pale, by the direction of the said Sheriff, was set up to divide that Garden from the Defendants ground, which Pale four of the Defendants at several times did riotously cut in sunder, throw down, and break in pieces; and for this they were committed to the *Fleet*, and fined 40 *l.* apiece, and the Lady *Gerge*, by whose encouragement the Court conceived it was done, was admonished by the Court to desist from the like courses afterwards.

The



The Defendant *Webley*, having been an Apprentice to the Plaintiff *Johnson*, (a Clothier) and being out of his time, did combine with the other Defendants to overthrow and undo the Plaintiff in his Trade and Credit, and to set up himself, to exercise the said Trade, in the Town where the Plaintiff *Johnson* lived, and to that purpose *Webley* and *Weale*, with others, assembled themselves at a Fulling Mill, where *Johnson* had four Broad Clothes, in Fulling, worth seven or eight and thirty pounds, and there riotously and forcibly broke open a door, and thence took and carried away the said four Broad Clothes by colour of a Distress, or of a Justices, at another mans Suit, and converted the Clothes to their own proper uses, and about Twelve of the Clock in the night, of the same day, the Defendants repaired to the other Plaintiffs house, upon pretence to make search for Vagrant and Suspicious persons, one of the Defendants being a Bayliff, another Constable, and the third Tythingman of the Town, and being on that pretence gotten into the House, they unlawfully brok eopen three other doors, and there finding divers other Goods of the Plaintiff *Johnsons*, to the value of about 160 *l.* they by colour of the said Writ of Justices took and carryed away the said Goods, and converted them to their own use, to the utter undoing of the said *Johnson*: and for these offences, the Defendant being not able to make it appear that they had any lawful Writ of Justices to Seize the Goods of the Plaintiff; the Defendants were Committed to the *Fleet*, *Webley* and *Weale*, for their riotous taking of the Clothes from the Mill, Fined a hundred Mark apiece, and they and the other Defendant, for the last offence 100 *l.* apiece more, and *Webley* and *Weale* to pay 50 *l.* damage for the first Clothes, and they and the other Defendant 200 *l.* damage for the last Goods, and *Webley* disabled to bear any Office hereafter.

The Defendant *King, Blundevile, & al.* bearing malice to the Plaintiff and his Wife, and pretending Title to the House wherein the Plaintiffs Wife, Child, and Servants then were, did with the other Defendants, and others, about Twelve of the Clock at night, riotously break open the doors of the said House, and being armed with Swords went in to the Plaintiffs Wives Chamber, where she and her Child were in Bed and asleep, and there in barbarous and uncivil manner forced the Plaintiffs Wife to rise out of her Bed in the presence of them all, and would not suffer her to have any Fire to make her or her Child ready by, but kickt it about the House, and kickt and puncht the Plaintiffs Wife, and thrust her out of the House, so as she was enforced at that time of the night to go a mile or two on foot to another House, and for this the Defendants were Committed to the *Fleet*, *King* and *Blundevile* Fined 500 *l.* *Dixon* his man 100 *l.* and *King* to pay it, if he be not able, and *Legate* a Constable 200 *l.* and to pay the Plaintiff for his Wives wrong a hundred Mark damages.

The Defendants bearing malice to the Plaintiff, *Susan Boyes*, and to one *Grace Tubby*, plotted how to disgrace them, and to effect it *Carsey* and *Pulkham* caused them to be convented before the other Defendants, Sir *Tho. Jenkinson* and Sir *John Rowse* Knights, two Justices of Peace in *Comitat. Suffolk*, and there falsely accused them to be persons of ill life and quality, and that the Plaintiff, *Susan*, looking Mr. *Guthery*, a Preacher,

*Mi. 3 Car.*  
*Johnson & al.*  
ver. *Webley*  
& al.

Oppression by  
colour of Au-  
thority.

Riotous taking  
away of Goods  
by colour of  
Justices.

Damage 300 *l.*

*Merrick, Esq;*  
versus *King,*  
*Blundevile &*  
*al.*  
Riot in the  
night.

A hundred  
Mark damage.

*Boys & uxor*  
ver. *Jenkinson*  
Knight, & al.  
Justices of  
Peace.

Sending two women to the House of Correction without cause.

Misleading the Justice on the Bench.

Fifty pounds apiece damage to these no parties to the Suit.

Attor. *Rigis*  
or *Thomas ver.*  
*Denham & al.*

Seaborn *ver.*  
*Bulthe & al.*  
Ryot.

Thelwel *ver.*  
*Holman Esq;*

Scandal of a Master in Chancery.

in the Face, in Sermon time, jeered and made mouths at him, and that the said *Grace* altho had carryed herself uncivilly and insolently towards the said Mr. *Guthery*, when he was in the Pulpit Preaching, and procured some of the Neighbours to come before the Justices, and to inform them of their said supposed ill carriage, and that they were of ill life and conversation, and upon this bare information without Oath, the said Justice (notwithstanding the said *Susan* and *Grace* upon their Examination denied it) made their Warrant and sent them to the house of Correction to be there whipt, by reason of which whipping they fell dangerously sick, and one of them was in danger of death: and complaint being made to the Justices at the Bench at the next Quarter Sessions, and Witnesses being there offered to testifie the danger they were in, by reason of their whipping, Sir *Tho. Jenkinson*, to hinder the examination, falsly and maliciously informed the Justices, that the said *Susan* and *Grace* continued in their bold courses, and after their whipping drunk a Health to him and Sir *John Romfe*, and caused the Bell to be tolled in derision of Justice, and by this means got the Justice not only to forbear to examine the Witnesses, but to make an Order to Commit them again to the House of Correction, and for the first of these Offences they were Committed and Fined two hundred Mark apiece, and to pay 50 *l.* apiece damage to *Susan* and *Grace*; and Sir *Thomas Jenkinson*, for misleading the Justice 20 *l.* Fine more, and the Decree to be read at the Attizes.

This Cause brought to hearing by Mr. Attorney General, because one of the Plaintiffs were dead, and the other married to another Husband, which abated the Suit.

The Defendant in *October 3.* did Hunt, Chase, and Kill one Fawn in His Majesties Park, called *Eltham Park*, in *Com. Kanc.* and for that were Committed to the *Fleet*, not to be thence enlarged until they find Sureties never to offend in the like kind hereafter in any of His Majesties Forests, Chaces, or Parks whatsoever, and Fined 50 *l.* apiece.

The Defendants riotously assaulted and set upon the Plaintiffs two Brothers, and with a long staff struck them and broke their heads, and for this were all Committed to the *Fleet*, and Fined forty pounds apiece.

The Plaintiff being a Master of the *Chancery*, a matter there in controversy between the Defendant and one Mr. *Gotts* was referred unto him by the Lord Keeper, the Plaintiff made his Report, and that Report was Decreed, and the Defendant being served with a Writ *de executione decreti*, and the mony Decreed to Mr. *Gotts* demanded of him, the Defendant being discontented thereat, said he would not pay the mony, but prevent it if he could, for that he knew the old course, that the Plaintiff and the said Mr. *Gotts* were sharers therein, thereby falsly and maliciously slandering and charging the Plaintiff with corruption and agreeing to take part of the mony, Decreed for making his Report; and to the further scandal of the Plaintiff, he preferred a Petition to the Lord Keeper, whereby he falsly charged the Plaintiff with divers wrongs and injustice done unto him in the making of the said Report, and for this scandal the Defendant was Committed to the *Fleet*, Fined a thousand Mark, to acknowledge his Offence, and make his submission



sion in the Court of *Chancery*, and pay the Plaintiff five hundred pound damages.

The Defendant *Ridley* in the night time, without Licence or Banes asking, and without the consent or privity of the Plaintiff or his Lady, or of the Defendant, Sir *Sigismond Zinzan*, al. *Alexander*, did Marry the Plaintiffs eldest Son and Heir, being not above sixteen years and eight months, unto *Margaret* the Daughter of the Defendant, Sir *Sigismond*, and the Defendant *Barton* was present, and gave the said *Margaret* in Marriage to Mr. *Shelly*, and *Alice* the Wife of the said *Ridley* was present, and a Witness to the Marriage, and for this they were Committed to the *Fleet*, *Ridley* the Parson Fined 500*l* and left to the High-Commission Court for further punishment, his Wife Fined 10*l* and *Barton* that gave her, 100*l* and the Validity of the Marriage was wholly left to the Ecclesiastical Court: and for that it appeared that *Godfrey* and his Wife, two other of the Defendants, who kept an Ale-house, suffered some to spend the greatest part of Service-time, on a *Sunday*, in drinking in their house, the Court Ordered them to be put down, and disabled them ever to keep an Inn or Ale-house after,

Mi. 3 Car.  
Hi. 3 Car.

Shelly Knight,  
ver. Zinzan al.  
Alexander &  
al.

Celebrating a  
Clandestine  
Marriage  
without con-  
sent of Pa-  
rents, and  
without Li-  
cence or  
Banes asking.

### Hill. 3 Car.

THE Defendants *Flight* and *Bateman*, in May 17. *Jacobi*, became bound to the Plaintiff in a Bond of 60*l*. to pay him 31*l*. 10*s*. in Feb. following, and the Bond having been long Forfeited, the Plaintiff finding himself abused and deluded with several promises made, and broken, Sued the said Defendants, and in *Michaelmas* Term 20. *Jacobi*, *Flight* appeared by his Attorney, and the Term following suffered a Judgment by *Non sum informatus*, and was soon after taken in Execution for that Debt and carried to the Goal, and whilst he there lay, he sent several Messengers to the Plaintiff to Compound the Debt, and sent to know what the Principal, Interest, and Charges came to, and he would pay it: yet afterwards sent the Plaintiff word, that unless he would take 30*l*. for the whole Debt, Interest and Charges, he should have it, but if he would not, he had learned a trick, and had Witnesses to prove that the mony was paid, and this Composition being refused; *Flight* Sued out a Writ out of the Court of Common Pleas against the Plaintiff, returned in *Michaelmas* Term 22. *Jacobi*, when the now Plaintiff appeared, and *Flight* declared that in consideration of 31*l*. 10*s*. paid to the Plaintiff the ninth of *February*, 1619. (being the day whereon the mony should by the Condition of the Bond have been paid to the Plaintiff) the Plaintiff promised to deliver him the said Bond within a Fortnight after, which he did not perform to the damage of the said *Flight* 200*l*. to which Declaration the now Plaintiff pleaded that the said mony was not paid, and denied the promise, and Issue being joyned, the same came to Tryal, and at the Tryal the Defendants, *Salmon* and *Fox* being Sworn to Testifie for the Defendant *Flight*, did falsly and wilfully Perjure themselves, and depose that the mony was paid at the day, and that the now Plaintiff did promise to deliver the Bond within a Fortnight after, and thereupon the Jury gave a Verdict, against the now Plaintiff and *Flight* had Judgment thereupon against him for 92*l*. damages, besides

Craske ver.  
*Flight*.

Perjury at a  
Tryal by Bill  
*Nisi Prius*.  
A Judgment  
gotten by Per-  
jury, made  
void and Va-  
cated.

*Non liquet*  
pays Costs.

Parker Esq; &  
*al. ver.* Ful-  
lambe Bar. &  
*al.*

Riotous di-  
sturbaunces in  
their Lead  
Mines.

Vaughan Esq;  
*ver.* Jenkin &  
*al.*

Disgraceful  
Arrest of a  
High Sheriff  
as he was  
riding out of  
Town to meet  
the Judges.

sides Costs, and for this wilful Perjury the Defendants, *Salmon*, and *Fox*, were Fined 100*l.* apiece, Committed to the *Fleet* six months without Bail or Mainprize, set in the Pillary with their Ears Nailed thereto, and disabled ever to be Witnesses in any Court of Record, and the Plaintiff freed of the Judgment, and of all Damages and Costs, gotten against him by the Defendants, Perjury and Vacat to be thereof made, and a perpetual *cessat executio* upon the Record to be made to that end: and the Plaintiff likewise left to take the benefit of his Judgment upon the said Bond, but the Court would not Sentence the other Defendant for subornation, although the Oath was for their benefit, and that they were procured by *Flight*, yet the Court Ordered them to be liable to pay Costs, and so left them with *non liquet*.

The Defendant *Francis Fuliambe*, being served with an Injunction of the Court *pro Dutchie*, to suffer the Plaintiff *Parker*, as Farmer to His Majesty, to have and receive thence-forward the Lot and Cop within and throughout the Cop of *Elton*, in *Com. Darby*, did after the service thereof, together with the other Defendants and others, to the number of thirty at the least, go into the said *Elton* Fields, where the Miners were at work, getting of Lead-Ore, and where the Plaintiff *Toffte* being Bar-Master, was Over-seeing their work. and attending to receive the Lot and Cop for the King, or the Plaintiff *Parker* his Farmer, and there went into the Miners Groves, pulled their Stoes in pieces, took away many of their working Tools, and threatned them if they would not come out of their Groves, he would pull in their Groves upon their heads, by reason of which threats the poor Miners who had nothing but their Labour to live on, were affrighted and amazed, and forced to forsake their work, to the great damage both of them and the Plaintiff: and for this Riotous doing the Defendants were all Committed to the *Fleet*, *Fuliambe* Fined 100*l.* and four others 20*l.* apiece, and *Fuliambe* to pay it for them if they be not able.

The Defendant *Grundy* having obtained several Judgments against the Plaintiff upon Bonds, the Plaintiff offered him his mony, and the Defendant refusing it, the Plaintiff got an Order that he should accept it, and that Execution should be stayed, nevertheless the Defendant *Grundy* bearing malice to the Plaintiff, Combined with the other Defendant to disgrace him by a publick Arrest, for the said Debt in the Town of *Carmarvan*, at such time as the Plaintiff being High Sheriff of the Shire should with all his Attendants and Friends be riding out of the said Town to fetch in the Justice of Assize or great Sessions, which they effected accordingly in the Market-place of the said Town, insomuch that many of the Plaintiffs servants and followers drew their Swords, and much blood might have been spilt, had not the Plaintiff by his discreet and temperate carriage pacified them, and for this Riotous and disgraceful Arresting the Plaintiff, when they might have Arrested him at any other time, and when the Plaintiff had as much mony offered him before, as demanded and took after the Arrest, the Defendants were Committed to the *Fleet*, *Grundy*, and one other Fined 500*l.* apiece, *Davies* and *Phillips* the two Sheriffs of the Town 200*l.* apiece, and *Tavernor* who was *Grundies* servant 40*l.* but *Grundy* to pay it if he be not able, and the Defendant to pay the Plaintiff 200*l.* damages and publicly acknowledg their offences, both at *Carmarthen* and at the great Sessions for the said County



County of *Caermarthen*, at both which times and places this Decree is likewise to be publickly read.

*Pasc. 4 Car.*  
200 l. Damage.

*Pasc. 4 Car.*

**T**He Plaintiff and the Defendant *Seymor* being struggling together in the field about a distress which the said Defendant endeavoured to take of the Plaintiffs working-horses, five of the other Defendants went Armed into the field, and there riotously assaulted, beat, and wounded the Plaintiff, and dragged him on the ground by the hair of the head; and for this Riot six of them were committed to the *Fleet*, one of them fined 40 l. the rest 20 l. apiece.

*Reade versus Penruddock & al.*

Riot.

The Defendant *Mady* being justly deprived by the Sentence of the High Commission Court of the Church of *Blagden*, one *Parker* was duly admitted to the said Parsonage, and enjoyed the same about seven years, till *Mady* (pretending his Deprivation was reversed by King *James* his Pardon, and he thereby restored to be Parson as before) made several Entries; whereupon *Parker*, with others, was enforced to exhibit a Bill in Chancery against *Mady*, and others, to be relieved therein: And *Mady* in his Answer thereunto (to the scandal of the High Commission Court and Judges thereof) alleged that the Sentence there given against him was not in legal manner given, or upon sufficient proof, and that there was neither Articles, Libel, nor Allegation exhibited, nor Witnesses produced touching the Defendants irregularity to induce the Sentence of his Deprivation; and the said Defendant *Mady* in his Rejoinder in that Cause did also scandalously set forth and allege, that this Deprivation was so far from being legal, that it was a most illegal and irregular Sentence, contrary to the Ecclesiastical, Common, and Statute Laws of this Realm, and directly contrary to the Word of God: That he was deprived partly for irregularity in Preaching, being suspended, whereas there was never any Suspension, nor Witnesses produced, nor Articles exhibited, and for incorrigibility, which incorrigibility had no warrant from the Law of God, or Man, and that he was unjustly deprived without desert; That the main offence for which he was deprived was not simply a breach of any of Gods Commandments, forasmuch as it was for exercising his Function; that by the courses taken against him it was more than manifest that they sought not his reformation, but deprivation; that one of the Commissioners might have the bestowing thereof; and that for the effecting thereof there were divers snares laid for him, which by the Wit of man could not be avoided; That his Parsonage was taken from him meerly by Injustice and Oppression, and contrary to the Laws of God and Man, And for this Scandal the Defendant was committed to the *Fleet*, fined 200 l. to acknowledge his offence, and make his submission in the High Commission Court, his Answer and Rejoinder to be taken from the File and Cancelled, and that he shall in this Court publickly acknowledge this Sentence to be just.

*Attorn. Regis versus Madye Cler.*

Scandal of the High Commission Court and the Judges thereof.

By an Answer and Rejoinder in the Court of Chancery.

*Trim.*

## Trim. 4 Car.

Brighouse  
versus Poole  
& al.

Riotous assault  
and waim-  
ing the Plain-  
tiff.

500*l.* damage.

Almond ver-  
sus White  
& al.

Practice to  
procure the  
Escape of Pri-  
soners in Exe-  
cution.

**T**He Defendant Sir *German Poole* bearing malice to the Plaintiff, and having vowed revenge, did, with intent to murder him, shoot two Pistols at him out at a Window, both which missing him, he gave a charge to two of his Servants that they should kill the Plaintiff where-soever they met him, and swore he would have a Leg or an Arm of the Plaintiff; and the said Sir *German*, not long after meeting the Plaintiff in a Lane near the Parliament Stairs at *Westminster*, jostled him, and the Plaintiff passing by, and taking it patiently, *Poole* called to the Defendant *Roby*, and another Servant who then attended him, and commanded them to kill the Plaintiff; whereupon they pursued him with their Swords drawn, and run him through the Cloak, between the Arm and the Body, and had like to have slain him before he perceived them; but upon the out-cry of a woman to look to himself, the Plaintiff drew his Sword, and so defended himself that they two could not hurt him, which Sir *German* perceiving, he likewise drew his Sword, and there-with cut and wounded the Plaintiff in his Arm, and bid him put that in his Sleeve; by reason whereof the Plaintiff lost the perfect use of his right Arm and Hand; and for this Sir *German Poole* and *Roby* were committed to the *Fleet*; Sir *German* fined 500 Marks, and to pay the Plaintiff 500 *l.* damages, and *Roby* fined 100 *l.* Sir *German* bound to his good behaviour during life, and to pay *Robies* Fine, if he be not able: And *Roby* to be also liable to the damages if *Pool* be not able to pay them.

The Defendant *Payn alias Fencer* being Prisoners in *Stafford* Goal in Execution for Debt, and knowing no other way to free themselves, practised with the Defendant *Bunnington* to work their Escape, which they thus Effected: *Bunnington* at a day and place by them appointed and agreed on, attended with Horses and Weapons, safely to convey and carry them away; and *Payne* and *Blackmore* knowing they were in Readiness, *Blackmore* got the Under-Goaler, who kept the Keys of the Prison, to go with him into the Under-Goal for a sheet of Paper, and there shut him up, and got away the Keys of the Prison, and then he and *Payne* opened the Prison door and escaped, and they and *Bunnington* rid away together; And for this, *Payne* and *Bunnington* were committed to the *Fleet*, and fined 100 *l.* apiece, and the Plaintiff left to the Law for his Damages, he having made Proof of none here.

## Mich. 4 Car.

Attorn. Regis  
per Rel. Mai-  
nard Esquire  
versus Rowe  
Gent.

**T**He Defendant *Rowe* being Head-Constable of *Tavestock*, and being one of the eight men that had the ordering of the private Affairs of the Parish took upon him to dispose of the Souldiers that were to be Billeted in the said Town; and having conceived malice against one *Fairchild*, a Weaver of the said Town, he offered to place three Souldiers with the said *Fairchild*, who was willing to receive two of them, or to pay Twelve pence apiece a Week for their Entertainment elsewhere, but was unwilling to receive or Billet any more; and hereupon the Defendant went to the said *Fairchilds* House with three Souldiers, and



and finding the door shut, sent for a Sledge, and endeavoured therewith to break open the Door; and the said *Fairechilds* Wife then opening the Door unto him, he thrust in the said three Souldiers, and told them they must there expect their entertainment: And *Fairechilds* Wife then desiring to have but two of them, the Defendant threatned her that her Husband should be sent away for a Souldier, and that she should be hanged by Martial Law, and thereupon procured a Warrant from one of the Commissioners for Billetting the said Souldiers, who dwell five or six Miles off at the said *Fairechilds*, but never acquainted the Commissioners, who lived in the said Town, therewith, and the Commissioners, who dwelt so far off to carry the said *Fairechild* and his Wife to *Plymouth* before the Commissioners for Martial Law, and served his Wife therewith: But *Fairechild* for fear ran out of the Country; and then, to make a peace and reconciliation between them, the Defendant extor-  
sionously demanded, and received from *Fairechild* for a Composition a Piece of *Kersey*, worth 4*l.* 10*s.* and upon delivery thereof *Fairechild* was suffered to return to his house without further trouble upon the Warrant: The Defendant did also unlawfully detain and keep in his hands the pay or Billet-money which he received from his Majesties Commissioners, to pay for the Billetting of divers Souldiers, Captains, and other Officers; and when complaint was made thereof to his Majesties Commissioners; and that they sent several Precepts for him to come and give an account to them of the money he had received; the Defendant disobeyed them, yet at last appeared upon their Warrant; and then, and there, in despiteful manner, reviled the Relator *Maynard*, being one of the Commissioners, and then sitting in Commission, tells him he went to *Plymouth* to tell Tales or Fables, and that he had cozened the Parish as little as the Relator had cozened the Earl of *Bedford*: And for these offences he was committed to the *Fleet*, fined 500 Marks, bound to his good behaviour a year, disabled ever to be Constable after, to pay *Fairechild* for his *Kersey* 10*l.* and 100*l.* damage to Mr. *Maynard*, and acknowledge his offence to the Relator in the Parish Church where he dwells.

The Defendant *Joan Faulk*, with the privity, and by the advice of the Defendant *Tolwyn*, did falsely and maliciously accuse the Plaintiff of a Rape, supposed to be by him committed upon the said *Joan*, and thereupon procured a Warrant for him from a Justice of Peace, and at his coming before him, the Defendant *Joan* retracted her Accusation; yet afterwards divers scandalous speeches being by the Defendant divulged, accusing the Plaintiff thereof, the Plaintiff commenced his Action at Law against them for the said Scandal; but before the same was tried they procured another Warrant against him, and got him bound over to answer it at the Assizes, where they procured a Bill of Indictment to be preferred against him, and to be prosecuted, whereupon the Plaintiff was acquitted; and *Tolwyn* before the Assizes laboured two of the Grand Jury to appear upon his Trial, telling them they should do Sir *John Henningham* a good turn, for that the Plaintiff had a great deal of Copy-hold that would come to him by Escheat, if the Plaintiff were convicted; and for this Conspiracy the Defendants were committed to the *Fleet*, *Tolwyn* fined 200*l.* and *Joan Faulk*, then the Wife of *Edmund Eaton*, 100*l.* both bound to their good behaviour during life, and to acknowledge their offences, and ask the Plaintiff forgiveness at the

D

Assizes,

*Mi. 4 Car.*  
Oppression.

Extortion in  
a High Con-  
stable.

Unjustly de-  
taining of his  
Majesties Pay  
for Billeted  
Souldiers.

Affronting his  
Majesties  
Commis-  
sioners.  
100*l.* damage.

10*l.* restitu-  
tion.

*Taylor versus*  
*Tolwyn & al.*

Conspiracy to  
accuse and  
Indict the  
Plaintiff of a  
Rape.  
Labouring of  
Jurors in the  
name of a  
man of power  
to appear of  
a Jury.



Affizes, *Joan* to be whipped, and *Tolwyn*, for labouring the Jurors, disabled ever to be of a Jury himself hereafter. But the Fine of *Joan Faulk* not to be levied upon the Lands or Goods of her now Husband, because they were married since the offence committed, but to be levied on her Estate after her Husbands death.

Attor. Regis  
one tenus versus  
Heron and  
Banier.

Going about  
the Country  
by false  
names, and  
with false  
news and  
tales to get  
money by it.

Helping to  
change his  
name, and to  
conceal him  
when he con-  
fess himself  
guilty of  
Murder.

False accusa-  
tion and slan-  
der.

Huet versus  
Overy & al.  
Riotous reap-  
ing and car-  
rying away of  
Corn.

The Defendant *Heron* about *Whitsontide* last at *Loham* in *Cambridgeshire* fell into acquaintance with the Defendant *Banier*, whom he never saw before, and falsely told him his name was *Robert Rich*, and that he was a Kinsman to the Earl of *Warwick*, and that he had killed the Duke of *Buckingham* in the Kings Privy Chamber, and was glad to flee for it; and thereupon *Banier* entertained him, lent him money, and called him his Cousin, and agreed that *Heron*, who then took upon him the name of *Robert Rich*, should be called *John Henderson*, and be said to come out of *Kent*, and to be *Baniers* Kinsman; but *Banier* never complained thereof to any Justice, whereby he might have been apprehended and punished, but let him depart when he knew his news was false; and *Heron*, upon examination before the Earl of *Newcastle*, did, by the name of *Robert Savage*, confess himself privy to the intention of *Felton* to murder the said Duke, and that *Felton* offered him money to effect it, and told him if he would do it, there would be many to back him, and that he would provide him a Pistol and white Powder to effect it; and in that his Examination did accuse divers Noblemen, and other persons of good rank and quality to be Conspirators with *Felton* to murder the said Duke, and to have moved him the said *Heron* to kill the Duke; and the said *Heron* upon an Examination taken before the Lord Keeper, and other the Lords of his Majesties Privy Council, confessed he had conference with *Felton* concerning the said Murder, that *Felton* pressed him to give an Oath to keep his Counsel, and that he did take an Oath to that purpose; and therein doth likewise accuse some other noble and great Personages to have solicited him to murder the said Duke, and that at *Huntingdon* Affizes he was burnt in the shoulder for taking on him to be the Earl of *Warwick*; and that he also took upon him the name of *Charles Percy*, and was whipt for it in *Sussex*. And in the latter end of that Examination he confesseth, that all that he hath said in his several Examinations concerning the Lords and other persons of quality mentioned in his said Examinations is utterly false, and that he knows not *Felton*, nor that any thing contained in his Examination, taken before the Earl of *Newcastle*, is true, and that his name is not *Savage*, but *Heron*; and for this *Banier* was committed to the *Fleet*, fined 1000 *l.* and bound to his good behaviour during life; and *Heron* was committed, fined 2000 *l.* to be whipt from the *Fleet* to *Westminster*, and be there set in the Pillory, with one of his Ears nailed and cut off, his Nostrils slit, his Face branded with the letter *F* in one cheek, and the letter *A* in the other cheek, for a False Accuser of himself and others: And at another time to be whipt from the *Fleet* to *Charing Cross*, and be there set in the Pillory, with his other Ear nailed and cut off, and from thence be carried to *Bridewell*, there to be kept at work during life.

*George Overy*, upon pretence of title, came with the other Defendants, and eighteen or twenty more, to a parcel of ground where the Plaintiffs Wife with others were reaping of Wheat, and there bound up the Wheat that was reaped, reaped the rest, and violently carried it all away;



away, threw down the Plaintiffs Wife when she opposed them, and struck the Tythingman with a Truncheon when he required them to keep the peace, and refused to shew any right to the Corn, although he were offered to have it quietly, if he could shew any title to it; and for this they were all committed, *George Overy* fined 40 *l.* the rest 20 *l.* apiece, and the principal to pay it, if they be not able.

His Majesty having granted Letters Patents under his Great Seal for a Collection to be made for the repair of the Port and Haven of *Rye* in *Suffex*, one *Luxford* a Merchant was lawfully deputed to make the Collection in *Lincolnshire*, who coming to the Town where the Defendant dwelt, and was a Justice of the Peace, the Churchwardens carried him before the Defendant, and the Defendant, notwithstanding the said *Luxford* shewed him the Letters Patents under the Great Seal, and his Deputation under the Hand and Seal of *Sir Thomas Sackville*, and other Justices of the Peace of the County of *Suffex*, made a Warrant, and caused the said *Luxford* to be whipt as a wandering Rogue; for which offence, being done contrary to Law, and in contempt of his Majesties Great Seal, the Defendant was committed to the *Fleet*, and fined 200 *l.* and to pay *Luxford* 50 *l.* damages.

*Carleton*, having received information that the Plaintiff was charged with the murder of *Mary Winkle*, (notwithstanding the Coroners Inquest had found and returned that she died *Visitatione Dei*) became a Suitor to the King for the forfeiture of his Estate, and having obtained a Grant of it, obtained a Warrant from the L. Chief Justice to have the matter better examined by two Justices of Peace, which was done, and no cause found to suspect the Plaintiff for the Murther, yet the Defendant *Carleton*, who in person attended that Examination of the Justices, at the next Assizes caused an Indictment to be preferred against the Plaintiff for the said supposed murder, and attended the same in person, and procured Witnesses to be summoned to give evidence, yet the Jury returned *Ignoramus*; yet the Defendant *Carleton* being not satisfied, at the next Assizes caused another Bill of Indictment to be preferred against him, and attended in person to prosecute it; and the Defendant *Edwards* knowing the Plaintiff was questioned for the murder, and the forfeiture granted to Mr. *Carleton*, he being discontented with the Plaintiff, sent for a woman, and examined her what she could testify concerning the Plaintiffs supposed striking the said *Winkles*, and she answering she could say nothing; *Edwards* sent for her again, and told her, if she could testify that the Plaintiff struck the said *Winkles*, and said, she must hold with the poor, and bid her take heed what she said, for the Plaintiff did strike the said *Winkles*, and at the Assizes he came to her, and other Witnesses, and bid them have a care, for if they would they could testify that the Plaintiff struck *Winkles*; and for this prosecution of *Carleton* against the Plaintiff, after he had begged his Estate, he was committed, and fined 500 Marks; and *Edwards* for soliciting and tampering with the Witnesses, was Committed, and fined 200 *l.*

The Court upon the Plaintiffs motion, no cause being shewed to the contrary by the Defendant Archbishop, several days were given him in that behalf, did confirm a Decree, formerly made about 10 *Jacobi* between the same parties touching digging and graving of Turfs in a Moss

*Mi. 4 Car.*

*Attor. Regis  
ore tenus versus  
Sir Edward  
Herne Knight,  
a Justice of the  
Peace.*

Whipping a  
Patent-gather-  
er, contrary  
to Law  
50 *l.* damage  
to one no par-  
ty to the Suit.

*Escount Knight  
and Bar. ver-  
sus Carleton  
Esquire & al.*

Prosecuting a  
man for mur-  
der after he  
had obtained  
a grant of the  
forfeiture of  
his Estate in  
case he were  
convicted.

Tampering  
with Wit-  
nesses.

*Crew Knight  
versus Vernon  
Knight.*

Matter of Title Decreed.

called *Okebanger-Moss* to be spent in his Mannor House of *Crew*, and did also Decree and Confirm a Certificate made by the Lord Viscount *Cholmley*, and others, with divers additions for the Plaintiff more full and free enjoying of the said Turfs, and prevention of the destruction thereof in time to come.

*Hill. 4 Car.*

Goad Esq; ver.  
Bainbrig Gent.  
Single Battery.

THE Defendant having long before conceived displeasure at the Plaintiff, came up into a Room where the Plaintiff and others were ready to go to Supper, and there without any offence offered or given him, struck the Plaintiff twice in the Face with his Hand and Fist, whereby one of his Eyes swelled very much, and called the Plaintiff (being then Deputy Clerk of the Court) base Rogue and Rascal, and swore he would pull the Plaintiffs Gown over his Ears where or whenever he met him in the Streets, and cut it all in pieces, and for this the Defendant was Committed to the *Fleet*, Fined 100 *l.* to make his submission and acknowledgment to the Plaintiff at the Bar of this Court, and pay the Plaintiff 100 *l.* damages.

A hundred pound damages.

Garton ver.  
Mellershe.

The Plaintiff with three of his Brothers servants having taken an Oxe for a Herriot due to the Plaintiffs Brother, after the death of the Father of the Defendant *William Mellershe*, was pursued by the Defendants all Armed, and the Defendant having overtaken him, *William Mellershe* strook him twice with his Spade Staff, and another of the Defendants with his Forest Bill gave the Plaintiff such a Cut on the back of his Left Hand, that he fainted and hath lost the perfect use of three of his Fingers, and for this Ryot they were all Committed to the *Fleet*, two of them Fined 100 *l.* apiece, and three others 40 *l.* apiece, and *William Mellershe* to pay all their Fines, if the rest be not able, and the Defendant to pay the Plaintiff 400 *l.* damage in respect of his Maim, notwithstanding he had recovered and received 100 *l.* damage before upon an Action of Battery.

Riotous wounding the Plaintiff.  
Four hundred pound damage.

*Pasc. 5 Car.*

Treweene &  
uxor ver, Frendenick.

THE Defendant having receiv'd a Writ of *Fieri Facias* to Levy 20 *l.* Debt, and 50 *s.* Damages on the Goods and Chattels of Sir *Richard Carnesew* on the behalf of the Plaintiffs, and another like Writ to Levy 16 *l.* Debt on the behalf of one Mr. *Bonithon*, did take eight Kine in Execution, and Sir *Richard Carnesew* sending to the Defendant to know wherefore he had taken his Kine, he said he had taken them at the Plaintiffs Suit, but he had two Writs, and if he were well dealt with, he could keep them on either: Then *Carnesew* sent to redeem the Cattle, and shewed the Defendant a Release of *Bonithons* Debt; and the Cattle being valued at 16 *l.* the Defendant received 6 *l.* in hand, and Bond for 10 *l.* more, and yet falsly returned upon the Plaintiffs Writ, that *Carnesew* had no Goods nor Chattels within the County, whereof he could Levy the Plaintiffs Debt and Damages; and for this

Under-Sheriff making a false Return of a Writ.

was



was Committed to the *Fleet*; Fined two hundred Marks, and Ordered to pay the Plaintiffs Debt and Damage, if it were not satisfied before.

*Plaf. 5 Car.*

The Defendant being Convented before the Lords of the Council at the Council-Board, for some miscarriages at the Custom-House; and there being then some Speeches concerning the Merchants of the Kingdom, and his Majesties well and gracious usage of them; the Defendant falsely, maliciously, and seditiously said, that they, meaning the Merchants, are in no part of the world so screw'd and wrung as in *England*; and that in *Turky* they have more incouragement; and for these Seditious words he was Committed to the *Fleet*; Fined 2000 *l.* and before his Enlargement to make an humble acknowledgment and submission at the Council-Board, in this Court, and at the *Royal Exchange*, at such time, and in such manner as this Court should direct.

Attorney Registrar. Chambers.

Seditious words at the Council-Board.

The Defendant being brought to the Bar, was charged by Mr. Attorney General, that he Wickedly, Undutifully, Traiterously and Seditiously had given out in speeches, that he had heard that the King went to *Mafs* with the Queen, and having confessed it upon his Examination, and named several persons to be the Authors thereof, who, being Examined, did deny it. The Court declared, that it was His Majesties great Grace, that the Defendant was not dealt withal in a higher degree; and therefore Fined him 5000 *l.* Committed him to the *Fleet*; and Ordered him to acknowledg his offence in this Court, with a Paper on his head, declaring his offence, and to make the like acknowledgment at all the Bars of all the Courts at *Westminster*, and at the publick Assizes of *Sussex* and *Huntington*, and at *Pauls Cross*, and the Preacher at that time to reprove the Raisers and Publishers of such Notorious, False and Slandrous Reports.

Attorney Registrar. *one tenus* ver. Jo. Maud.

For saying the King went to *Mafs* with the Queen.

The Plaintiff for Filing a Bill in this Court, containing many foul and odious Charges against the Defendants, and letting the same hang as a Libel against them above three years, and never calling any of them to answer it, was Fined 100 *l.* to His Majesty, and Ordered to pay to the Lord *Wentworth*, and Lord *Clifford* 100 *l.* apiece damages; to the Lord *Fairfax*, Sir *Richard Colmley*, and Sir *Thomas Gower*, Sir *Edward Stanhop*, and Mr. *Jo. Ledgard*, 50 *l.* apiece damages; and to make an acknowledgment, in such manner publickly in this Court, or otherwise, as should be thought fit, unless he did, by the second sitting of the next Term, Exhibit a new Bill against them for the same offence, and prosecute it with effect; and this Bill was Ordered to be taken from the File and Cancelled.

*Domine Savile* ver. *Viceroy*. *Wentworth & al.* Exhibiting a Libellous Bill and not Prosecuting thereof. Fine to the King, and damages to the Defendants.

The Defendant for publishing a scandalous Libel against the Plaintiff (*Thornebrough*) being a Reverend and Learned Bishop, was Committed to the *Fleet*, Fined 100 *l.* and Ordered to make an humble acknowledgment and submission to the Plaintiff at *Worcester* Assizes, the Judges sitting, and the Decree to be then and there Read.

Ep. *Worcester* ver. *Lowyer*.

The Plaintiffs Bailiffs having Lawfully seized two Oxen, and one Nag of the Defendants, *Rice*, for a Debt due by him to His Majesty, divers of the Defendants, with fifty or sixty others, rescued them, wounded the

*Ashton Bar.* ver. *Blundel* *Arwig. & al.*

Riotous Ref-  
cue of Cattle  
seized and  
resisting the  
seizing of o-  
ther Cattle,  
and beating  
the Bailiffs.

Unlawful E-  
recting of a  
Church-Yard  
for Burial of  
Popish Recu-  
sants.

Damage to  
them no Par-  
ties to the  
Suit.

the Bailiffs, and said, if his Majesty himself had come, he should have taken no Cattel thence, and the said Plaintiff having by vertue of another Writ to him directed, made his Warrant to his Bailiffs to seize four Oxen, seventeen Sheep, nine Kine, and certain Swine, Corn, and Hay of the Defendant *Blundels*; and the Bailiffs going to take and seize the said Goods; the Defendants Servants, and Tenants, went into the Fields, and brought up the Cattle suddenly into the Court-Yard, and guarded the Gates within and without, with Armed men, that the Bailiffs could not Execute their Warrant; and twelve of the Defendant *Blundels* men fell upon the Plaintiffs Bailiffs, and fore beat and wounded them; and *Blundel* himself being within, and hearing the Cry of one of the Bailiffs who was wounded, called him dissembling Rascal, and said, if he had not enough, he should have more. And the Defendant *Blundel* being a Popish Recusant Convict, and living in Little Crosby in Lancashire, inclosed a piece of Ground and Fenced it, part with a Stone-Wall, and part with a Hedg and Ditch, and kept and used the same for the space of ten years, for the Burial of Popish Recusants, and Seminary Priests: and for these Offences, two of the Rioters were Fined 500*l.* apiece, three others 100*l.* apiece, and *Blundel* for procurement of the Riots, and erecting the Church-Yard 2000*l.* all Committed to the Fleet, and the Wall and Mounds of the Church-Yard to be pulled down by the Sheriff, and the Ground laid wast, and the Decree to be Read at the Assizes; and *Blundel* Ordered to pay the Bailiffs a hundred Marks apiece damages, and the other Defendants to pay them 40*l.* apiece damages.

### *Trinit. 5 Car.*

Barnes *ver.*  
Hill & al.

Great Riots  
and forcible  
Resistance a-  
gainst Autho-  
rity.

THE Defendant being Armed with several sorts of Weapons, the 29. of July 2 *Car.* repaired to the Plaintiffs Dwelling-House, and there brake down an outward Wall against a pair of Stairs in the Kitchen, and brakedown a great part of a Glasse-window into the Hall, and thereat the Rioters entred the House, and one of them threatned and endeavoured to have killed the Plaintiffs Daughter, an infant, then in the House; and she and the Plaintiff, and his Brother crying out for help, some Officers and Constables hearing the outrage came to the House, and required the Defendants and their Assistants to keep the Peace, and to shew by what Warrant, or Authority they Committed such an outrage; whereat the Rioters derided the Constable, bid a Turd in his Teeth, and gave him other foul Terms not fit to be recited, and all of them refused to obey any Authority, but in unlawful manner, did, with their Weapons, and Engines, beat down six doors, and divers inner walls to come to the Plaintiff and his Brother, and having taken the Plaintiff they tumbled and lugg'd him through several Rooms down a pair of Stairs, and cast him out of the House, and kicked and spurned him upon the Back and Body, and the Plaintiffs Brother being got into a Hawk Mew, *John Hill* bid the Rioters fetch him down dead, or alive, and he would bear them out, if it cost him 1000*l.* and thereupon one of them gave him divers blows and thrusts on the Breast and Belly with a Pike, and drave him through a Wall into a Hay-mow, and there kicked and spurned him; which the Chief Constable perceiving, and supposing they had killed him,



him, made Proclamation and required the Rioters to keep the Peace, and to yield their Bodies to go before some Justice of Peace to answer their doings, which they refus'd; and *Hill* said, if *Burns* were killed he would justifie it; and the Constable then endeavouring to go up and apprehend them on suspicion of Murder, they made divers thrusts at him, and threatned to kill him; and as the Constable was going up the Ladder to them, they turned off the Ladder, and threw him to the ground, to the danger of his life, and after threw *Burns* amongst Nettles and Weeds on the backside of the House, and would not suffer him to have any thing to wrap about him, although he lay almost speechless, voiding store of blood, and in danger of death, and in Unchristian manner bid let him die, or starve, he should have nothing from thence, *John Hill* saying, he would justifie all that they had done: And the Constables and others coming another day to keep the Peace, and apprehend the Rioters, they shot off Pieces at them, and Arrows, and did sore hurt one of the Constables. And *Susan Hill* being told that the Bishop of *Hereford*, being a Justice, would come to view the Riot, and remove the Force: she said, she thought he would have more wit; that it was fitter for him to be Preaching a Sermon, and that if he came thither, he should have as many Holes made in his Black Jacket, as he had Eylet-holes in his Doublet, and that she would question him and all his Company in the Star-Chamber. And the Bishop coming thither, and requiring the Doors to be opened, they let in him, but would suffer none else to come into the House, and when he was come forth, and would have gone in again to have taken a farther view of the Force, the Rioters would not suffer him. And for these Offences, *John Hill*, the Principal was Fined 100*l.* divers others 50*l.* apiece, some 40*l.* apiece, and some 20*l.* apiece, all of them Committed to the *Fleet*, and *John Hill* to pay the Fines of so many as were not able themselves; *Susan Hill* to make acknowledgment at the Assizes to the Bishop and ask him forgiveness; and the parties hurt left to the Law for their damages, because they did not here complain.

Hi. 5 Car.



The Defendant, *Thomas Cookes*, pretending Title to a yearly Rent of 4*l.* to be issuing out of certain Lands in the Parish of *Broomsgrave* in the tenure of *John Smith*, al. *Arden*, and that Rent to be for some time arrear, did in November 2 Car. distrain two Mares of the said *Smiths*, and according to the custom of the Mannor at the next Court Baron held before the Plaintiff *Glasbrook*, the Plaintiff *Talbots* Steward, and the Bailiff and Suitors there, *Smith* pretending no such Rent due, entred a Plaint in the Court against the said *Cookes* for taking and detaining his said two Mares, to which Action *Cookes* at the next Court appeared, *Smith* Declared, and *Cookes* took a Copy of the Declaration, and at the Court following, by avowry justified the impounding of the Mares, and *Smith* took a Copy thereof, and at the Court next Demurred in Law, and *Cookes* waved his former avowry, and put in a new, to which *Smith* likewise Demurred, and *Cookes* joyned in that Demurrer: and a peremptory day was appointed to argue it, but *Cookes* before that day came, sued forth a Bill or Plaint of Assize of Fresh-Force for the same Rent against *Smith*, and a Precept from the Steward to the Bailiff of the Mannor to Summon a Jury to try the same, and to Summon the said *Smith*, and at the next Court being the time also appointed to argue the Demurrer, and for Trial of the Assize of Fresh-Force, the Defendant *Thomas Cookes*, accompa-

Talbot armiz.  
& Glasbrooke  
Gent. Plaintiff  
versus Cookes  
Esq; & al.

nied



Unequal and  
indirect car-  
riages upon a  
Trial in a  
Court Baron.

nied with *Edward* and *Henry Cooks*, Suitors and Judges of the said Court, came into the Court, and heard the Arguments and debate of Council on both sides concerning the Demurrer, and that being ended, the Plaintiff *Glasbrook* the Steward told the Suitors that the matter in question was matter of Law, and seemed doubtful in divers points, and therefore wished them to be advised before they gave Judgment therein: Whereupon *Edward Cooks* violently commanded the Steward to enter Judgment for *Thomas Cooks* the Avowant; but the Steward refusing to enter Judgment, for that the major part of the Suitors would be further advised, he and the other Defendants called for a Retorn of the Precept for a Jury to try the Plaint, or Affize of fresh force, which was done; and thereunto, and to the Plaint itself *Smiths* Council took exceptions, and much time being spent therein, the Affize was continued, and an *alias* Summons granted to resummon the Recognitors in the Affize Returnable the next Court, when the Defendants *Thomas* and *Henry Cooks* procured and solicited the other Defendants to come thither, and twenty four Tenants being summoned, and returned to try the Plaint; they were several times called to appear, but many not appearing at the third call, the Defendants *Thomas* and *Henry Cooks* went to divers of the Recognitors returned, and desired them to appear of the Jury, and to give their Voices for their Judgment upon the Demurrer to the said Avowry; and one of the Recognitors seeming unwilling to come, *Henry Cooks* promised to save him harmless, and thereupon a full Jury appearing, the whole Array was Challenged, and the Challenge allowed; which the Defendants seeing, *Edward Cooks* the Elder and *Edward* the Younger again bid the Steward enter Judgment for the Avowant *Thomas Cooks* in the Avowry formerly argued, saying, he ought to enter the same: And the Steward refusing so to do, for that the Major part held it not fit to enter Judgment until they were better advised, *Edward Cooks* the Elder, and *Edward* the Younger, commanded the Steward again to enter Judgment, saying, he was their Servant, and with great Oaths vowed he ought and should enter Judgment, and gave Mr. *Low*, one of the Suitors, very unseemly terms, and *Henry* and *Thomas Cooks* went about to some of the Suitors to get their hands to a Note that Judgment should be entred: And for these indirect proceedings they were all committed to the Fleet; *Edward Cooks* the Elder, and *Edward* the Younger fined 200 l. apiece, and *Thomas* and *Henry Cooks* 40 l. apiece, and the Decree to be read at the said Court Baron.

Attorn. Regis  
versus Crad-  
dock & al.

Rout and  
assault.

The Defendants, on *December 22. 1625.* about nine a Clock at night, went, and kept such a rapping at the Doors and lower Windows of Mr. *Richardson's* House at *Durham*, as frightened his Wife; and one *Rangel* going out of the House with a Ruler in his hand, to see what the matter was; the Defendants took his Ruler from him, and struck him therewith on the face, to the effusion of his blood, and after kick'd and spurn'd him, and being gone from him, pursued him again, and in riotous manner assaulted and struck him, saying, If he had not enough, he should have enough; and for this three of the *Craddocks* were committed to the Fleet, and fined 50 l. apiece, and bound to their good behaviour a year, and the Party hurt left to the Law for his Damages.



The Defendant *Cunningham* for extorting several great Sums of money from the Relators, upon several Arrests made on them by him, being a Serjeant of *London*; many of which Arrests were occasioned and drawn on by himself, and his Devices; and for procuring one of the Relators to be Arrested in *Westminster* Liberty, and then carried into *London*, and charged with Actions there on purpose to wrest and extort more Money from him, was Committed to the *Fleet*, fined 500*l.* bound to the good behaviour, and disabled to be a Minister of Justice, or to execute any place, or Office.

Mi. 5 Car.

Attorn. Regis  
per Rel. Clif-  
ford & Saint-  
leger Armig.  
versus Cum-  
ningham & al.  
Extortion in  
a Serjeant.  
Arresting in  
one County,  
and carrying  
him into ano-  
ther County  
to be there ar-  
rested.

Michael. 5 Car.

THE Plaintiff having obtained a Judgment in the Court of *Common Pleas* against the Defendant *John Wilkins*, for 163*l.* 1*s.* upon an Action on the Statute of Usury, whereof by the Statute he was to have one Moity, and the King the other Moity, did agree with the said Defendant to accept of 55*l.* for his part, and left him to agree for the Kings Moity as he could; and then the Defendant *John Wilkins* being forced to pay the Kings Moity, Commenced an Action against the Plaintiff, and declared, that in consideration of the said 55*l.* the Plaintiff did assume, and promise to discharge the said *Wilkins* of the whole Verdict and Judgment aforesaid, and that yet notwithstanding he had been enforced to pay his Majesties part also: To which the now Plaintiff appeared, and pleaded that he did not make any such promise, and that Action coming after to be tried, the Defendant *John Wilkins* produced, as Witnesses to prove the Issue, the Defendants *Nicholas Wilkins* and *Nicholas Wilcox*, whom he knew were not present at the Agreement, and they did then falsely depose, that the now Plaintiff did make such agreement as the said *John Wilkins* had declared; and for this Perjury the two Witnesses were committed to the *Fleet*, fined 200*l.* apiece, bound to their good Behaviour, disabled ever to be Witnesses, and be set on the Pillory at *Westminster* and *Taunton*, with Papers Inscribed. For *Wilful Perjury*; and *John Wilkins*, for subordination of Perjury, committed, and fined 300*l.* and all of them to pay the Plaintiff 150*l.* damages.

Brooman ver-  
sus Wilkins  
& al.

Perjury at an  
Assize.

150*l.* damage.

The Defendant *Yeomans*, being a Silk-Dyer, dyed 10000 pound weight of light-coloured Silks for divers Silkmen into false and corrupt Dyes, whereby the Silks were made heavier by about three ounces in a pound, and much worse than they would have been, if truly dyed; and dyed 40 pound weight of Raw Silks for himself into like corrupt Colours, and sold it to one, who sold it again for good and true dyed Silks. *William Andrews*, being also a Silk-dyer, dyed 10000 pound weight of Silks into such corrupt light colours for his Customers, and 2000 pound weight of his own Silk, and soaked the said Silks in Gauls to make them heavy, and corrupt them, and bargained with his Customers to dye them so corruptly, and had greater allowance for it than he should, if they had been truly dyed. And *Henry Wright*, being also a Dyer, dyed 100 pound weight of light black Silk corruptly by using Slip and Alder-bark, whereby the weight of the Silk was much increased, and made less serviceable: And for these Deceits they were committed to the *Fleet*,

Attorn. Regis  
versus Yeo-  
mans & al.

False and cor-  
rupt dying of  
Silks.

Tin. 6 Car.  
Attorn. Regis  
versus Hall & al.  
The Procurers  
of Silk to be  
corruptly dyed  
punished.



Morgan Knight  
versus Morgan  
& al.

Riot.

fined 500 Marks apiece, and before their Enlargement to enter Bond with good Sureties never to offend in the like kind hereafter.

The Defendants, being all Armed, Riotously assaulted, and grievously wounded the Plaintiffs Son in the Town of *Abergavenny*, and had murdered him, if they had not been prevented by the Officers of the Town: And for this they were committed to the *Fleet*, and two of them fined 50 *l.* apiece.

Shirley Bar.  
versus Chetwin, Esquire.

Single Battery  
on a Justice of Peace.

There having been long discontent between the Plaintiff and the Defendant, the Defendant, armed with a Truncheon of about a yard long, went out of the Highway into one of the Plaintiffs Grounds, where the Plaintiff, being a Justice of Peace, was walking alone, and did there assault, and beat, and grievously wound the Plaintiff. And for this single Battery, being upon the person of a Justice of Peace, the Defendant was held worthy the Censure of the Court, and therefore Committed to the *Fleet*, fined 200 *l.* bound to his good Behaviour during life, pay the Plaintiff 500 Marks damage, and make an acknowledgment to the Plaintiff in writing, and therein desire his pardon, and pronounce the same acknowledgment at the Assizes, and there ask the Plaintiff forgiveness.

Still Cler. versus Owen Gent.

Single Battery  
on a Bailiff  
for doing his  
duty.

Reviling a Justice of Peace.

The Defendant about *Midsummer* Eve 4 Car. did several times kick and strike one *Everet*, being a Bailiff, and with a Staff struck him a blow on the ear, that he was amazed, and bled much; for that the said Bailiff, according to a Warrant to him directed by the Sheriff, had summoned him to serve of a Jury at the Quarter-Sessions, where he was Amerced for non-appearance; and the Plaintiff being informed thereof by the Bailiff, and of divers Threats used by the Defendant, made a Warrant to apprehend the Defendant, and the Defendant taking notice thereof, came to the Plaintiffs house, and asked the Plaintiff how he durst grant a Warrant out against him, told the Plaintiff he lied, called him Knave, and Rascal-Knave, and said he cared not a fart for him, and that he was as good a man as the Plaintiff; and the Plaintiff for his abuse of the Bailiff, and his uncivil carriage, then requiring him to find Sureties, before he departed, for his good Behaviour, he flourished his Staff over his head, and contemptuously said he would not find Sureties, and would see who durst stay him, and so departed. And for these offences he was committed to the *Fleet*, fined 400 *l.* bound to the good behaviour five years, make his acknowledgment at the Assizes, and pay the Plaintiff 100 *l.* damage, and his scandalous Answer in this Court to be taken from the File.

100 *l.* damage.

Hillar. 5 Car.

Attorn. Regis  
per Kel. Philips  
Knight  
& al. versus  
Stowel Knight  
Affront of a  
High Sheriff,  
at an Election  
of Knights of  
the Shire.

THE Defendant, for affronting the High Sheriff at an Election of Knights of the Shire, and for repressing one of the said Sheriffs Bailiffs, out of Malice, after he was sent home by a lawful Pass, and sending him away again to serve as a Souldier, by colour of his Office of Deputy-Lieutenant; and for using provoking and uncivil Speeches of Sir Robert Philips on the Bench, the Justices sitting, saying, He wondred



wondred Sir *Robert* would make such a Certificate, for that it was a Lye, a base Lye, and a false Lye, and he would maintain it to be a Lye with the best blood in his body, and that as good a man as Sir *Robert Philips*, or a better, would maintain it to be a Lye, was committed to the *Fleet*, and fined 200*l*.

*Hill* 5 Car.

Giving the Lye on the Bench, the Justices sitting.

The Defendants out of malice to the Plaintiff for that he had caused one *Jemmet*, an unconformable Minister, to be put from being Lecturer of their Parish, raised a fame, that the Plaintiff had Ravished, or attempted to Ravish a Woman of *Sandford*, where the Plaintiff had formerly dwelt; and some of the Defendants were sent by the rest to *Sandford* to enquire out matter against him, and there meeting with a discontented woman, who told them (out of some displeasure) that the Plaintiff had attempted her Chastity; the Defendant *Tates* telling her the Plaintiff did oppose the good people of *Leachlad*, and that they, for Conscience sake, desired Matter to turn him out of his Living; told her she might drink 10*l*. if she would justify the Accusation, and then gave her two shillings, and after came to her again, and told her the attempt of a Rape would not serve to turn the Plaintiff out of his Living, and therefore told her, if she would testify some Act done by him, she should be liberally rewarded by the Defendants *Eyres* and *Gearing*, and if she would testify a Rape it should be worth her 40*l*. and then gave her five shillings, and told her Maid, that if she would testify a Rape, she should be as well paid as her Mistress; and several Sums were given and promised to him that went about to enquire out Matter against the Plaintiff. And at last by persuasions, promises of Reward, and Solicitations, they procured *Tates* and *Brown* to consent, to accuse the Plaintiff of a Rape, and to go to *London* to make good the Accusation before the Lord Chief Justice, and gave *Brown* twenty shillings in hand, and to incense her, told her the Plaintiff had spoken very ill of her, and by this means got her to *London* to accuse the Plaintiff; but her Husband, then coming to the knowledge thereof, dissuaded her, and thereupon their practice took no effect. And for this foul practice and Conspiracy to deprive the Plaintiff of his Benefice, and Life, they were all committed to the *Fleet*, fined 500*l*. apiece, bound to their good Behaviours; *Tates* set on the Pillory, at the next Market-Town to *Leachlad*, and the Decree to be there read; all of them to acknowledge their offence, and ask the Plaintiff forgiveness in his Parish-Church, and pay him 200*l*. damage. The Lady *Laurence*, and two more not sentenced, but left with a severe Reprehension, and Admonition; and the Lady *Laurence*, for turning up the back parts of a Child at the Font, when the Plaintiff would, and should have signed it with the Sign of the Cross, which was proved, but not charged by the Bill, was recommended to the High-Commission Court.

*Philps* cler. versus *Eyres* & al.

Conspiracy to accuse a Minister of a Rape.

200*l*. damage

The Defendant being High Sheriff of the County of *Wilts*, and having taken his Oath for the due execution of that Place (part of which Oath was, that he would, in his own person, remain within his Bailiwick, during the time of his Sheriffs-ship, unless he had the King's Licence to the contrary) did, notwithstanding, being Elected a Citizen for the City of *Bathe*, to serve in the Parliament, held 3 Car. attend that Parliament, and reside in, and about the Cities of *London* and *Westminster*, and for this was committed to the *Tower*, during his

*Attorn. Regis* versus *Long*, *Armig.* a High Sheriff.

Residing out of his County without Licence, contrary to his Oath

Majesties pleasure; Fined two thousand Marks, and before his enlargement to make an humble submission and acknowledgment of his Offence in this Court, and to His Majesty.

Attorn. Regis ver. Hof-kings & al.

Riotous destroying the Inclosures in the Forest of Gillingham.

Two hundred pound damage. Thirty pound damage a-piece to the Messengers no parties to the Suir.

His Majesty having disforested his Forest of *Gillingham* in *Com. Dorset*, allotted several equal shares to all the Borderers and Commoners, and made Sir *James Fullerton* Knight, Farmer of his part thereof, who Inclosed, Railed and Fenced the same; the Defendants by an agreement among themselves, did at divers times, by day and night, sometimes a hundred in a Company, sometimes more, and sometimes fewer, all Armed, and most of them in sundry sorts disguised, in a Riotous and Rebellious manner throw down, and fill up the Ditches and Fences thereabout, three miles in length, and bound themselves by Oaths to be true one to the other, and not to reveal one another, and to resist such as should endeavour to apprehend any of them, and to Rescue those apprehended; burnt the Plants, sawed in sunder the Rails and Posts, buried them in the ground, and in triumph, when the Plants were burning, shot off their Guns and Pistols, threatened to kill the Workmen, and burn their Houses, if they came any more to Work there, and beat down part of their Houses, and cut down their Fruit-Trees, and did Assault, and beat two of His Majesties Messengers, who had apprehended some of the Rioters, and Rescued their Prisoners from them. And for these Offences thirty of them were Fined 200*l.* apiece, and bound to their Good Behaviour two years; thirty five Fined 100*l.* apiece, and bound to their Good Behaviour two years, and nine others Fined 40*l.* apiece, and all of them Committed to the *Fleet*, and to pay 200*l.* damage to Sir *James Fullerton*, and the Rescuers and Rescued to pay 30*l.* apiece damage to the Messengers, and the Decree to be Read at the Assizes for *Dorset*, *Wilts*, and *Somerset*, and then the Defendants *Hoskins* the Collonel, *Alford* the Captain, *Cave* the Lieutenant, and *Miller* the Corporal of the Rebellious Troop to be set in the Pillory, with Papers on their Heads declaring their Offence.

*Pass. 6 Car. & Trin. 6 Car.*

Woodmongers London, ver. Wharfingers and Car-men London.

FOUR hundred Cars only to be used within the City of *London*, and the Liberties and places adjacent; namely *Southwark*, *St. Katharines*, and the *Strand*, and all persons within those Liberties restrained from working any Cars, not being of that number allowed by the Company of *Woodmongers*.

Orders regulating the Company of Woodmongers.

A convenient number of those Cars to be distributed to the Wharfs in *Southwark*, *St. Katharines*, and the *Strand*, as time will permit by the death of the present Owners.

And to the end prizes of Fuel may not be enhanced, nor the Owners of Wharfs that want Cars, too much prejudiced in the mean time; the *Woodmongers* are to allow to the Wharfingers in the said places adjacent, till Car-Rooms fall by death, an indifferent number of Cars for 12*d.* a week, each Car, until they may be freely distributed.



The Deed complained of to be Forged was left as a suspected Deed, and therefore referred to a Trial at Law for the Validity thereof, and all the Defendants in both Causes dismissed.

The Defendant being a *Romish* Catholick, framed and contrived a Seditious Book against his Majesty, the Peers, Bishops and Prelates of this Kingdom, Intituled (*An Appeal to the Parliament or Sions Plea against the Prelacy*) and caused about five or six hundred of them to be Printed, wherein were contained these Traiterous, False, Libellous and Seditious Assertions and Positions following. 1. That we do not read of greater Persecutions, higher Indignity done upon Gods people in any Nation professing the Gospel, than in this our Island. 2. He terms our Prelates Men of Blood, and Enemies to God and the State. 3. He saith it is the Main and Master-sin, the Establishing and Maintaining of Bishops within this Realm, and that Ministers should have Voices in Councils, both Deliberative and Decisive. 4. That the Prelacy of our Church is Antichristian and Satanical, and the Bishops Ravens and Pye-Magots that Prey upon the State. 5. That the Canons of our Church made 1603. are Non-Sence-Canons. 6. He Condemns the Religious and Devout Ceremony of Kneeling in receiving the Sacrament, alledging, that the Suggestion of false fears to the King by the Prelacy, and the seeking of their own unlawful standing brought forth that received Spawn of the Beast, Kneeling, &c. 7. He saith the Prelates Corrupt the King, Forestalling His Judgment against God and Goodness. 8. He calls our Queen the Daughter of *Heth*. 9. He impiously commends him that killed Duke of *Buckingham*, and encourages others to do the like. 10. He Scandals the King and Kingdom, saying, All that pass by us spoil us, and we spoil all that rely upon us, which being too well known, makes us odious to the world. 11. That no King may make Laws in the House of God; for if they might, then the Scriptures should be imperfect. Lastly, He adviseth all to consider then what a pitty it is, and an indeleble dishonour it will be to the State Representative, that so Ingenuous and Tractable a King should be so monstrously abused by the Bane of Princes, to the undoing of himself and his subjects, and for this he was Committed to the *Fleet*, during life, unless the King enlarge him; Fined 10000 *l.* referred to the High-Commission-Court to be degraded of His Ministry, and then to be whipped at the Pillory at *Westminster*, and standing on the Pillory to lose one of his Ears, his Nose slit, and his Face Branded with a double S. and in like sort to be whipped and lose his other Ear at the Pillory in *Cheapside*.

Tri. 6 Car.

Attorn. Regis & Dominus Powis Plain-riffs versus Vaughan Arm. & al.

Attorn. Regis versus Dr. Leighton super confess. Libel against His Majesty, the Peers, Bishops and Prelates.

Mich. 6 Car.

THE Defendant *Bonham Norton* having a Cause depending in the Court of Chancery before the Right Honourable *Thomas Lord Coventry*, Lord Keeper of the Great Seal, endeavoured to have fastned a Bribe upon his Lordship, and thereby to have procured his favour in the said Cause; but being disappointed therein, and the Cause coming to be heard upon his Petition, and not succeeding as he expected, the

Attor. Regis versus Norton & al.

Scandal of the  
Lord Cozenry,  
Lord Keeper  
of the Great  
Seal.

the said Defendant raised and divulged Rumours of supposed unjust proceedings by his Lordship in that Cause; and to give colour to the Scandals did, of his own head contrive, and put in Writing divers false and feigned Notes, Intituled Memorials, whereby he pretended he received private Informations from the Defendants *Lee*, and *May* of the Sum of 600*l.* and of other several great Sums of Money supposed to be given to the Lord Keeper, for favour to be done to the Defendants in Chancery; with other passages how, and by whom that Favour was compassed; and he, and the other Defendants published the said Notes and Memorials, and out of them drew Cases in Letters, whereby they Traduced the Lord Keeper, calling him by the Name of Sir J. K. and terming him the *Unjust Judge*, and the Decree made by him an *Unjust Judgment*, and carried those Notes to Council, and thereby framed a False and Scandalous Petition to his Majesty against the Lord Keeper, therein taxing him with Injustice and Corruption; and the Defendants caused the same to be presented to his Majesty, and published the said Scandals in divers parts of the Kingdom; and the Defendants *May* and *Lee* had several Rewards from *Norton* for raising these False Reports. And for these Foul Scandals and Aspersions, *Bonham Norton*, the Principal Offender, was fined 3000*l.* to acknowledge at the Chancery-Bar, with a Paper on his head declaring his offence, that the Decree of that Court betwixt him and *Barker* was just and agreeable to the Rules of Equity, and a good Conscience; and then humbly acknowledge his Offence, and ask his Majesty and the Lord Keeper forgiveness; and to make the like acknowledgment and submission in this Court, and at the Assizes at *Salop*, where the Decree shall be read. *Lee* and *May*, his Agents and Instruments in raising and publishing the Scandals and Memorials, committed, and fined 1000*l.* apiece; and to ride to *Westminster* from the *Fleet* with their Faces to the Horse-tail; and at the Chancery-Bar, and in this Court, with Paper on their heads declaring their Offence, and acknowledge their Offence, and ask Forgiveness, and then be set on the Pillory with one Ear nailed to it, while the Courts sit; and another day to ride into *Cheapside* in such manner as before, and be there set on the Pillory, with their other Ear nailed, and be carried to Prison, there to remain during Life. *John Norton*, for contriving the Cases, and Petitioning to the King, and publishing the Scandals, committed, fined 1000*l.* and ask forgiveness at this Bar. *Diggs*, *Winston*, and *Harper*, Publishers of the Scandals, fined 100*l.* apiece, committed, and ask Forgiveness at this Bar. *Hingate*, for his malicious publication of the Scandals, committed, fined 1000*l.* and ask forgiveness, *ut ante*: And *Smith*, for publishing the Scandals, joyning with *Norton* to fasten the Bribe on the Lord Keeper, committed, till he make his acknowledgment, submission, and ask forgiveness in this Court, and fined 1000*l.* Serjeant *Ashley* reprov'd, and not to practise before the Lord Keeper, until he had privately submitted unto him. *Lowns* left with a *Non Lique*t, and the Defendants fined to pay the Lord Keeper 3000*l.* Damages.

3000*l.* Dam.

*Antony. Regis*  
*cor. Simpson.*  
Corrupt Dy-  
ing of Silk.

The Defendant, being a Silk-Dyer in *London*, used Slip and Alder-bark in the dying of black Silks, and kept them in steep much longer than they should, being truly dyed, and by that corrupt means made the said Silks rotten, and much heavier than otherwise they would have been, and less serviceable. And the Wardens of the Company, assisted

with



with a Constable, and other Officers, by vertue of their Charter, and a Warrant from the Lords of the Council, coming to search the Defendants house for such corrupt died Silks, and finding some, endeavoured to seize them, to the end to make trial of them; the Defendant, in contempt of the Warrant, took up a Halbert, and assaulted the Wardens, Constables, and Officers, forced the Silk from them, and drave them out of Doors; and for these Offences was committed to the *Fleet*, fined 100 *l.* and to make an acknowledgment of his offence, and submit himself to the Wardens at the Dyers Hall.

The Defendant, out of malice to the Plaintiff, did, in the presence of divers Gentlemen of good Rank, flourish his Truncheon over his head, and in disgrace of the Plaintiff, whom he then knew to be a Justice of the Peace, say with a loud voice; that the King had done great wrong to make the Plaintiff a Justice of the Peace, and him the Defendant no Justice, for he was more worthy than the Plaintiff; and that the Plaintiff was a base Knight, and a Stinkard; and for this was committed to the *Fleet*, fined 100 *l.* and to acknowledge his Offence, and submit himself to the Plaintiff at the Assizes, the Judges sitting.

The Defendants, out of the malice to the Plaintiff did conspire together to accuse and Indict him for supposed stealing of several petty things, which were long before delivered by themselves unto him, and left with him in keeping: And accordingly did prefer two several Indictments against him for the said things; whereupon the Jury returned *Ignoramus*; and by like Conspiracy and Agreement they preferred another Indictment against him in his absence at the Quarter Sessions for stealing a Ring, a Silver Spoon, and twelve pence in money, (which in truth were long before given him by *Jane Hemingway*, one of the Defendants) yet upon her evidence of the Felony, the Jury returned *Billa vera*, and thereupon he was by them at the next Quarter-Sessions Arraigned and Tried for his life, yet Acquitted, notwithstanding their malicious Prosecution. And for this they were all committed to the *Fleet*, one fined 100 *l.* another 100 Marks, and their Wives 50 *l.* apiece; all bound to their good Behaviour, and disabled ever after to be Witnesses in any Court whatsoever, and pay the Plaintiff 100 *l.* damage.

The Defendant being discontented at several Reports made by Sir *Enble Thelwall* Kt. one of the Masters of the Chancery, contrived a Libellous Writing in the nature of a Petition, containing, that Sir *Enble* had made a false Report in his Cause against one *Hughs & al.* and that he was not an Indifferent person in the Cause; and to this Petition annexed a Schedule of Exceptions, containing, that Sir *Enble* had made two false Reports against him; that he was become his persecutor by indirect means for laying down of Truth under his hands, and that he did challenge property in part of the Lands in question; and caused this Petition to be written by a Scrivener, and then delivered to the Master of the Rolls, desiring the Reference to be transferred: And by another Writing, which he caused a Scrivener to write, and then delivered it to Sir *Enble* himself, he falsely charged him with ordering things not referred, making of false Reports in two Causes without Warrant, Cause, or Colour, and that he was become a Party against him, and therefore required him to meddle no farther in his Business. And for this the Defendant was committed

*Mic. 6 Car.*

Resistance of the Lords of the Councils Warrant.

South Knight a Justice of Peace, versus Ward *cl.*

Base Knight and Stinkard.

Bacon versus Boulton & al.

Conspiracy falsely to accuse and Indict the Plaintiff of Felony.

100 *l.* damage.

Attorn: Regis versus Jones.

Slander of a matter of the Chancery, Sir *Enble Thelwall*.



to the *Fleet*, and Fined 200 *l.* and to acknowledg his Offence at the Chancery-Bar, and at the Court of Great Sessions for the County of *Denbigh*, and the Decree to be then Read.

But no damage to Sir *Enble*, because he died before the Sentence.

Attornat. Regis Rel. Sir Edward Powel Knight and Baronet ver. Vanlore Bart. & al. Practice to get away a Bond to the prejudice of an Executrix.

Riotous Ref-cue.

Riotous carrying away of Tithed-Corn.

Submission for words not complained of.

Attornat. Regis ore tenus ver. Levingstone & al. Practice to procure the Escape of a Prisoner out of the *Fleet*.

The Defendant by practice with *Love* and his Wife, two of the Servants of Dame *Jacoba Vanlore*, his Mother Executrix of the Will of Sir *Peter Vanlore*, his Father Deceased, and for Bribes and Rewards to them given and promised, got into his hands a Bond of 16000 *l.* being the Goods of his Deceased Father, and belonging to his Mother, as Executrix, and then went to Sir *Sackville Crow*, one of the Obligors, and told him there were Suits like to grow between him the said Defendant, and his said Mother; and that if he would procure the Duke of *Buckingham*, for whose Debt the said Bond was entred into, to assist him the Defendant to overthrow the Will of his Father, he would deliver up the Bond into the Dukes hands; and one of the Defendants being Arrested at the Lady *Vanlores* Suit; four other of the Defendants, Armed with several sorts of Weapons, Riotously Rescued him, and beat and hurt the Bailiff that made the Arrest, and conceiving that one *Bilmore*, the Lady *Vanlores* Servant accompanied the Bailiff to shew him the party to be Arrested, they lay in Ambush for him, and at his coming Riotously beat him with their Staves, and brake one of his Arms. And the Defendant Sir *Peter Vanlore* endeavouring to frustrate a Conveyance made by his Father, and to keep his Mother from the Possession of the Parsonages and Rectories of *Compton* and *Beenham*, did procure the other Defendants at several times, to go Armed in warlike manner into the Fields, and to take away several parcels of Corn, of several sorts, belonging to the said Lady *Vanlore*; some before it was Tithed, and some after; which the other Defendants by his Abetment performed in very Insolent and Riotous manner, and threatned that if any came to resist them they should be soundly beaten; and for these Offences Sir *Peter Vanlore* was Committed to the *Fleet*, and Fined one thousand Marks for his practice to procure the Bond, and five hundred Marks for procuring and maintaining the Riots, and pay the Lady *Vanlore* 11000 *l.* damage, unless he did by the first day of the next Term deliver her up the said Bond of 16000 *l.* undefaced and uncanceled; and *Love* for his Treachery and Infidelity to his Lady, in delivering up the said Bond was Committed and Fined 200 *l.* the Rescuers and Rescued, Fined a hundred Marks apiece, and the six Rioters 50 *l.* apiece, and all Committed to the *Fleet*; and Sir *Peter Vanlore* to pay the Fines of so many of the Rioters as are not able to pay it themselves: and Sir *Peter* to make an acknowledgment, and ask Sir *Edward Powel* forgiveness; for saying Sir *Edward Powel* was a Fellow would say, or swear, any thing, which words were proved, but not Charged by the Information. *Quod Nota.*

The Defendants practising with one *Leighton*, a notable Offender to procure his Escape out of the *Fleet*; *Levingston* put off his Cloak, Hat and Breeches, being all of a Gray colour, and *Anderson* his Doublet, and *Leighton* put them on, and in that Disguise they all went out of the *Fleet* unsuspected; but he was afterward taken again. And for these Offences, in respect of their Penitence, they were only Fined 500 *l.*



500 *l.* apiece, and Committed to the *Fleet* during His Majesties pleasure.

*Hill. 6 Car.*

*Hill. 6 Car.*

THE Defendant being a Popish Recusant, and being Convented before Sir *John Bridgeman*, and Sir *Marmaduke Lloyd* Knights, Justices for the County Palatine of *Chester*, and County of *Flint*, and Accused to them to be a Popish Priest, was required to take the Oath of Allegiance, which he refusing in open Court, he was Indicted and Attainted in a *Premunire*, and committed to Gaol. And thereupon, in revenge, he wrote a Libellous and Scandalous Letter to the said Justices, taxing them with injustice; and after framed another Libellous Writing, which he intituled, *The state of Flintshire*, and therein Traiterously alleaged his Majesty to be deposed, the Authority of his Privy Council abrogated, the Bishop of *Chalcedon* made King, the Inhabitants of *Flintshire* his Slaves, and Sir *John* and Sir *Marmaduke* his Justices; and after contrived another Writing more Libellous unto them; and caused it to be delivered to the High Sheriff in open Court, wherein he termed the said two Justices Traitors to the Kings Crown, and the State of the Common-wealth; and saith, they are Favourers and Furtherers of the said Bishop of *Chalcedon*. And for this he was committed to the *Fleet*, during his life, fined 1000 Marks, and be set on the Pillory at *Westminster*, and at the Assizes for *Flintshire*, with one Ear nailed at each place, and a Paper on his head declaring his offence, and there shew himself heartily forry and penitent.

*Attorn. Regis  
ore tenus versus  
Morgan.*

Slander of the  
two Justices  
in the County  
of *Flintshire*.

The Defendant *Tires* being Clerk to the Under-Sheriff of the County of *Lincoln*, and hearing that a Writ of *Fieri Facias* was sued forth on the behalf of the Lady *Dymock* against the Plaintiff upon a Judgment of 200 *l.* directed to the said Sheriff, did before any Writ delivered, and against the Will of the said Lady, and her Solicitor, make a Warrant without Warrant upon the said Writ directed to himself and the other Defendant *Winter*, one of the Sheriffs sworn Bailiffs; and out of a greedy disposition to gain to himself the benefit of the said Execution, he, and the Defendant *Winter*, with others Armed, by colour of that Unlawful Warrant, went to the Plaintiff's House, brake open the Stable door, and therehence, and out of the Yard drove away two Geldings, and nine young Beasts of the Plaintiffs. And for this *Tires* and *Winter* were committed to the *Fleet*, fined 40 *l.* apiece, and to pay 50 *l.* damage to the Plaintiff.

*Bincks versus  
Beefion & al.*

Riotous taking away of  
Cartel by colour of a false  
Warrant.

50 *l.* damage.

The Defendants, contrary to his Majesties Proclamation, prohibiting the Counterfeiting of Farthing-Tokens, or the making of any Engines wherewith they might be Counterfeited, being Confederates together, did, at several times, and several places make, and counterfeit great quantities of Farthings, like the Farthings allowed by his Majesty, and made by his Patentees, and vented the said counterfeit Farthings to several persons at 24 *s.* 25 *s.* and 26 *s.* in Farthings for 20 *s.* in Current Money; and *Taylor* made the Stamps, and Rolls wherewith those Farthings were made. And for these offences, in Contempt of the

*Attorn. Regis  
ore tenus versus  
Taylor and  
Stephenfon.*

Counterfeiting of Farthing-Tokens.

King's Proclamation, and to the abuse and prejudice of the King's People and Patentees, they were committed to the *Fleet*, bound to their good Behaviours during Life : *Taylor* fined 1000 *l.* and *Stephenson* 500 *l.* and both of them to be set on the Pillory with Papers on their Heads, declaring the nature of their offences, at *Westminster*, *Cheapside*, *York*, *Rippon*, *Bishops Arkland*, *Newcastle*, and *Durham*, and there the Decree to be publickly read.

Monk *versus*  
Blackburn  
& al.

Conspiracy to  
accuse the  
Plaintiff of  
Treason.

500 *l.* damage.

The Defendant *Dorothy Blackburn*, out of malice to the Plaintiff, for that he had caused her Husband to be Arrested for Debt, Intercepted two of his Letters, and one Letter from his Attorney to him, and in his two Letters procured the other Defendants to insert Treasonable words, and Scandalous matter against the Lord *Gray*, and cunningly drop'd one of those Letters in a Market-Town, so as it might come to her hands again, and then carried them to the said Lord *Gray* (to the end to take away the Plaintiff's Life) who thereupon sent his Warrant for him, and committed him (after Examination) to Prison, and after sent him to the Lords of the Council, who committed him first to the *Gatehouse*, and then to the *Tower* to be Rack'd. And for this wicked Conspiracy she was committed, during his Majesties pleasure, bound to her good Behaviour during Life, and if ever his Majesty enlarge her, disabled ever to be a Witness in any Cause whatsoever, and be well whipt in the *Palace-yard* at *Westminster*, standing on a high place with a Paper on her head declaring her offence, and be branded in the face with the Letters *F* and *A*, signifying a False Accuser, and to stand in like sort, and be whipt at *Leicester*. *Skellet*, her Agent, in carrying, and intercepting the Letters, committed, fined 100 *l.* and bound to his good behaviour: And *Betson*, the Counterfeiter of the Letters, committed, fined 500 Marks, bound to his good Behaviour, disabled ever to be a Witness in any Cause hereafter, and to stand on the Pillory at *Westminster*, with a Paper on his head declaring the nature of his offence, and all of them to pay 500 *l.* damage to the Plaintiff.

### *Pasc. 7 Car.*

Weston *Kt.*  
& al. *versus*  
Pargiter *Arm.*

THE Defendant was charged with the Publication of an Instrument, termed an *Innotescimus*, contrived, and obtained by undue practice, bearing Test in *February* 16 *Eliz.* under the Great Seal, containing an Indenture pretended to be dated 9 *Eliz.* and made between *Jo. Vaughan* Esquire, Dame *Ann Knevet*, and *Thomas Knevet* on the one part, and *Edward*, then Lord *Windsor*, on the other part, of the Mannor of *Greatworth* in *Northamptonshire*, and other Lands, and for justifying that *Innotescimus* to be a true and lawful Instrument, and a true Testimony of the Deed contained therein; but upon the Hearing the Defendant was cleared à *Pœna*, & *Culpa*; yet for that it did appear that this Instrument was not Inroll'd in the Rolls, as it ought to have been; and for that this Instrument differs in Form from all other like Instruments of *Innotescimus*, the Deed exemplified being Testified in this manner: *Cujus Tenor, ut dicitur, sequitur in hæc verba*; the words, *ut dicitur*, in all other such Instruments preceding the words, *Cujus Tenor*, so as this doth not import any certain Affirmation, or Testimony of the Deed to be then seen, but



is rather a Testimony of a Report only of such a Deed; and for that no Warrant can be found, or is produced from the Lord Chancellor, Lord Keeper, or Master of the Rolls for the Passing thereof, nor any accompt made for the same in the Hanaper; the Court adjudged the *Innotescimus* worthy of no Credit, and fit to be damn'd, and made void: and therefore did Decree, that neither the Defendant, nor any claiming under him, should ever give the same in Evidence; but would not absolutely damn it, because it was also the Evidence of a third person, no party to this Suit; and left the final damage thereof, till the other be made a party.

The Defendant being discontented, as it should seem, at the Plaintiff about matter of Presentments delivered in by the Church-wardens of his Parish, told the Plaintiff he had been too precise in examining the Church-wardens touching his, the said Sir *Williams* not coming to Church, and that it was Ungentleman-like-dealing; and the Plaintiff answering him, that he was too credulous of the Speeches of the Church-wardens, concerning him the said Complainant, and did therein wrong him; the Defendant Sir *William* thereupon gave the Plaintiff the Lye, and he returning it in his throat, the said Defendant drew his Sword, and strook the Plaintiff twice therewith, being then a Justice of the Peace: and the Defendant *Mercer* framed and published two Scurrilous and Infamous Libels against the Plaintiff, his Wife and Daughter: and *Bryers* also published one of the Libels at several times and places; and for these Offences *Mercer* was Committed to the *Fleet*, Fined 1000*l.* bound to his Good Behaviour, during life, and disabled ever to practise, as Attorney, in any Court, and if he were then an Attorney to be thrown over the Bar; and to stand on the Pillory at *Westminster*, and at *Lancaster*-Assizes with a Paper on his head declaring his Offence, and then to make an acknowledgment, and ask the Plaintiff forgiveness: *Bryers* Committed, and Fined 200*l.* and Sir *William Norris* Committed, Fined 1000*l.* and to pay the Plaintiff 50*l.* damage, *Mercer* to pay 100*l.* damage, and *Bryers* 20*l.* damage to the Plaintiff, and in case *Mercer* be not able to pay his 100*l.* then *Bryers* to pay that, and be freed of the 20*l.* and the Decree to be Read at the Assizes at *Lancaster*.

The Defendant the morning before he went to the Sessions, being a Justice of the Peace, received Scandalous and Libellous Articles against the Plaintiff, carried them to the Sessions in his Pocket, and in open Court, in disgrace of the Plaintiff, pulled them out, and said, You shall see what a Lewd Fellow this is, and not fit to speak in this place; and then caused the said Libellous Articles to be Read in the Publick Sessions, and the Plaintiff then desiring a Copy of them, and to be Tried upon them, the Witnesses to prove them being noted in the Margin, the Defendant did not suffer him to have a Copy, or to be Tried thereupon, nor took any Course, that he might at the next Sessions, or at any time after be questioned for them, but took the Articles again out of the Sessions, and carried them away; and after farther to disgrace the Plaintiff in his Practice, (being an Attorney,) sent the said Articles to Mr. Justice *Hurwey*, at the Reference of a Cause to him, which *Caston* attended; and a Jury having given a Verdict against the Defendant, he sent for the Jurors, and questioned them about their Verdict, and told them they were

Pas. 7 Car.

An *Innotescimus* made void, yet the Defendant acquitted.

Moor *Arm.*  
ver. *Norris*  
Knight & al.

Assaulting and giving the lye to a Justice of the Peace. Libels against a Justice of Peace.

Fifty pound 100*l.* and 20*l.* damage.

*Caston* Gent.  
ver. *Hitcham*  
*Mil. servient.*  
ad *Legem.*  
Undue publishing of Libellous Articles against the Plaintiff.

Reviling Jurors for giving a Verdict according to their Conscience.  
Nora.

a Company of Fools, and that if there had been but one wise man among them, their Verdict had not been so: and for these Offences he was Committed to the *Fleet*, and Fined 200 *l*.

In this Decree the getting of Jurors hands to a Note, to Impeach a Verdict, was held to be an Offence here punishable.

In this Cause the Defendant would have had Witnesses to prove the matters of the said Scandalous Articles to be true, but that was disallowed by the Court.

Attornat. Regis ver. Ewer Arm.  
Slander of the Earl of Danby.

The Defendant at several times, in several places, and to several persons, did, in Scorn, Disgrace, and Contempt of the Earl of *Danby*, use these words, *viz.* my Lord of *Danby*, my Lord of *Danturd*, he is a Base Cheating Lord, and a Cozening Lord, and a Base Fellow, and I care not so much for him as I do for a Fart of my Arse; I am a better man than he; he hath Cozened the Country people in taking away their Common, so as he hath the dayly Curtes of thousands: and for this he was Committed to the *Fleet*, during His Majesties pleasure, bound to his Good Behaviour, during life, Fined 1000 *l*. pay 1000 *l*. damage, and at the Bar of this Court, and the Assizes at *Oxon* to acknowledg his Offence, and ask the said Earl forgiveness.

One thousand pound damage.

Faulkland Dominus versus Savage Mil. & al.

One *Philip Busben* being Accused of High Treason within the Kingdom of *Ireland*, for murdering of his Wife, the Plaintiff being then Lord Deputy, required the Defendant *Welden*, being then High Sheriff of the County, to Sequester his Goods and Chattels into sure hands, (an Appraisement or Inventory thereof being first taken) until the said *Busben* was Tried, which he did, but Appraised the Goods under value; and the Defendant Sir *Arthur Savage*, by colour of an agreement between him and *Welden*, possessed himself of *Busbens* Castle; and the Plaintiff afterward, for good cause directing a Commission under the Great Seal of *Ireland*, to Authorize certain Commissioners to Inquire of, Take and Seize all the Lands, Tenements, Goods, and Chattels of the said *Busben*, being then Convicted of the said Treason, and to Inquire of the Values of them, and to prohibit all other Officers to Intermeddle therein: The Defendant Sir *Arthur*, would not deliver the possession of the said Castle to the Commissioners, and *Welden* claiming the Goods as Elcheats, and Perquisites of his Office, refused also to deliver them, until a second Commission was Awarded by the Lord Deputy for that purpose; and then the said *Welden* did not make a true delivery of the proper Goods of the said *Busben*, but kept one hundred and twenty of *Busbens* best Sheep, and delivered the like number of other Sheep; some Marked with his own Mark, and some with Sir *Arthur Savages* Mark, and some with *Clarks* Mark, and sent twenty of his Sheep to Sir *Arthur Savage*, and kept, and sent away divers of *Busbens* Goods Unappraised, to his own use, and without any accompt to His Majesty, and the Defendants being discontented that the Goods were taken from them, a Rumor was then raised, that *Busben* had Injustice and hard measure done him in his Trial by the practice of the Plaintiff, and the Lord *Sarsfield*, the Judg before whom he was Tried. And the Defendant *Busben* then fallly and maliciously reported, that Sir *Terence Dempsey*, one of the Commissioners should be paid his Grand-Childs Wives Portion out of *Busbens*

Misdemeanor in a Sheriff to the Defrauding His Majesty.

Slander of the Lord Viscount Faulkland Lord Deputy of Ireland.



*Busshens* Estate, and produced a Paper falsely containing that the Plaintiff procured the Lord *Sarsfield* to go that Circuit on purpose, that *Busshen* might be Convicted, and that the Plaintiff caused his Goods to be delivered to Sir *Terence Dempsey*, as part of the Plaintiffs Daughters Marriage-Portion. And after these Rumors and Reports were spread in *Ireland*, then *Busshen* the Son came into *England*, and procured a Petition to be presented to His Majesty containing divers Grievances touching the Execution of the said *Busshen* his Father, and that not succeeding, he intended to present his said Grievance to the Commons House of Parliament then Assembled, but was diverted from that Course by Sir *Arthur Savage*; who advised him to alter the direction of his Petition, and to present it to the Duke of *Buckingham*, and subtilely to Traduce the Plaintiff and his Government: advised him to pray a Commission to examine the supposed practice; which advice *Busshen* pursued, and the Duke having received his Petition, acquainted Sir *Arthur* therewith, and asked his advice, who contrary to his own direction, and cunningly to entrap the Plaintiff, dissuaded the Course of a Commission, and persuaded the Duke, in respect the Business was Foul, to write his Letter to the Plaintiff to cause some Relief to be given to *Busshens* Wife and Children, and so to stop their Mouths, which if the Plaintiff had given way to, it would have argued him foully Guilty: and the Duke directing his Secretary to prepare a Letter to that purpose, Sir *Arthur* Dictated the same unto him, and then affirmed the Contents of the Petition to be true, though he knew them to be false: and the Letter being written, it was delivered to the Defendant *Busshen* to give unto the Plaintiff, who undertook so to do, but never delivered it. Yet after the Dukes death he opened the Letter, and annexed it to another like Scandalous Petition, and presented it to the Commons House of Parliament where it was publickly divulged to the dishonor of the Plaintiff; and Sir *Arthur* gave out Speeches, both in *England* and *Ireland*, that if ever the Plaintiff were questioned about the matter of *Busshen*, he would be found faulty, and that he sent the Lord *Sarsfield* that Circuit, only to Execute the said *Busshen*: and for these Offences *Welden* was Committed, and Fined 1000 *l.* *Savage* Knight Committed, Fined 2000 *l.* to the King, and 3000 *l.* damage to the Plaintiff; and *Busshen* Committed, and Fined 500 *l.* and both he, and Sir *Arthur Savage* to acknowledg their Offences at the Bar of this Court, and ask the Plaintiff forgiveness: Sir *Arthur Savage* to make the like acknowledgment and submission at the Council-Board in *Ireland*, and *Busshen* at *Kildare* Assizes in *Ireland*, and this Decree to be there Read, and then Recorded, and Entred among the Records and Entries of the Castle-Chamber in that Kingdom.

Pas. 7 Car.



Three thousand pound damage.

Trit. 7 Car.

Here having long been Suits between the Defendants *Crokey* and *Wright*, and the Plaintiff *Smith* touching certain Lands belonging to the School of *Wootton Underedge* in the County of *Glocester*, and the same being at last Decreed in the Court of Chancery against the Defendants, and a Lease thereof granted by the School to the Plaintiff *Smith*; the Defendant *Crokey*, maliciously contrived and caused to be Printed a great number of Libellous Books, and many of them to be Exhibited to the

Cooper Cler.  
& al. versus  
Crokey & al.

Contriving,  
Printing, and  
Publishing Li-  
bellous Books.

the Lords and others then assembled in Parliament, and others, to be published in divers other places; and the Defendant *Wright* also published many of them, which Book contained much matter Scandalous to the Plaintiff *Smith*, and to the Courts of Justice, where their Suits had depended: and for this Malitious Libel, the Defendants were both Committed to the *Fleet*; *Crokey* Fined 200 *l.* and *Wright* 100 *l.* the Decree to be Read at the Assizes to clear *Smith's* Reputation, and *Crokey* then to acknowledg his Offence, and ask him forgiveness, and the Books to be there publicly burnt.

Waterhouse  
Gent. versus  
Ingram Mil.

The Plaintiff by his Bill Charged the Defendant with several Forgeries, and other foul Offences, whereof he was able to make no manner of proof, but the Defendant gave clear and full satisfaction to the Court of his Innocence: and therefore the Court Fined the Plaintiff 500 *l.* and gave the Defendant 500 *l.* damage, and Ordered the Plaintiff to make a submission and acknowledgment to the Defendant in the Court, and at the Assizes at *York*, and there this Decree to be publicly Read, and after to make the like acknowledgment and submission at the Block at *Hallifax*.

Fine and da-  
mage on the  
Plaintiff pro  
falso Clamore.

Attornat. Re-  
gis ore tenuis  
ver. Archer.

The Defendant contrary to Law, and in Contempt of certain Ordinances set forth by His Majesty, and of His Highness His Proclamation, and Directions of the Lords of the Council, did Engross and Buy much Seed, Wheat and Rye out of the Market, he having about eight Seams or Quarters of Wheat, and about sixty one Seams or Quarters of Rye of his own growing that year; and having only six persons in Family, did forbear to bring any of his own Corn to the Market until about the latter end of *July*, after he was presented by the Grand Jurors in *Essex*, for that the Overseers of his Parish having bought of him five Quarters of Rye for Relief of the Poor at 7 *s.* 3 *d.* the Bushel, he refused to deliver the same, unless they would give him 9 *s.* the Bushel; but kept in his Corn, and had then at least thirty Quarters of Wheat and Rye in his House: and for this he was Committed to the *Fleet*, Fined one hundred Marks, and 33 *l.* to be divided among the Poor of his own Parish, and the Poor of other Parishes in that Hundred, at the Discretion of the two next Justices of the Peace, and to stand on the Pillory with a Paper on his head declaring his Offence, at *Westminster*, *Newgate-Market*, *Leaden-Hall-Market*, and *Chelmsford* in *Essex*.

Hoarding of  
Corn to En-  
hance the  
Price.

Morgan Arm.  
versus Welch  
& al.

*Welch*, Defendant, being Arrested upon an Attachment out of the Court of Chancery, for non-payment of 10 *l.* Costs to *Morgan* the Plaintiff, gave the Bailiff a blow on the Face, and immediately thereupon, being Assisted by three other of the Defendants, Rescued himself, Reviled the Bailiffs, and bid them fly or he would cut off their Legs: and for this Riotous Rescue they were Committed to the *Fleet*, *Welch* Fined 100 *l.* and the other three twenty pounds apiece.

Riotous Res-  
cue.

Ferriby ver.  
Houlding & c  
conting.

The Defendants to *Ferriby's* Bill riotously assaulted, beat, and wounded the Plaintiff, and one *Mullan*, and with their Weapons pursued them, and gave them divers wounds in their Heads, and other parts of their bodies; and *Houlding*, the Plaintiff in the other Cause, was stricken to the ground, and two of the Defendants lay upon him, and bit out a piece of his Cheek, and one of them with a Sword drawn gave



gave the Plaintiff divers blows on several parts of his Body. And for these Riots committed at one and the same time, four of the Defendants, in the first Cause, were committed to the *Fleet*, two of them fined 50 *l.* apiece, one 40 *l.* and the other but 20 *l.* in respect a piece of his Check was bitten out: And two of the Defendants, in the other Cause, were committed to the *Fleet*, and fined 40 *l.* apiece.

*Mi. 7 Car.*  
Crofs Riots.

Several Causes were published in this Court, wherein Witnesses had been examined by Commission in the Country; one wherein *Watson* and his Wife were Plaintiffs against the now Plaintiff *Allen*, and others; and the said *Watson* perceiving, that his Witnesses had not so Deposed, as would serve his turn, to convict the Defendants, did, upon pretence of examining his Copies, obtain the Custody of the Records in his Attorneys Chamber; and then to work his own ends, and to mislead the Court in their Judgment, did at the Hearing raze, interline, and alter the Depositions of divers Witnesses examined on his part, and made such of them Positive and Affirmative for him, which were before Negative and against him. And for this he was committed to the *Fleet*, never to be enlarged, unless his Majesty please to grant him a special Pardon, and if ever he be enlarged, then to be bound to his good Behaviour during Life; Fined 1000 *l.* be set on the Pillory at *Westminster*, and then branded on the Forehead with the Letter *F*; and after to be in like sort set on the Pillory at *Stafford*; and both the Causes, wherein the Commissions were falsified, dismissed out of the Court.

*Allen versus*  
*Watson.*

Falsifying the  
Records of  
the Court of  
Star-Cham-  
ber.

*Mich. 7 Car.*

**H**is Majesty out of his Princely Care and Providence, to increase the Profits and Revenue of his Crown, and for the good of the Commonwealth, did, with the Consent and Advice of his Privy Council, Article under his Hand, and Great Seal with the Relator to drain and make dry divers surrounded Grounds and Commons in the Counties of *Lincoln*, *Nottingham*, and *York*, which before yielded no benefit at all, but were oftentimes very prejudicial to the Inhabitants thereabouts by Inundations; and withal granted some part of the Grounds so to be drained and recovered by the Relators Industry, and at his Charge, to the said Relator, reserving a good Fee-Farm-Rent for the same; and the Relator was bound to drain and lay dry the said Grounds. And his Workmen being at work thereabout, the Defendants and others, at several times, came unto the Workmen, and beat and terrified them, threatening to kill them, if they would not leave their Work, threw some of them into the River, and kept them under water with long Poles: And at several other times, upon the knelling of a Bell, came to the said Works in Riotous and Warlike manner, divided themselves into Companies to take the Workmen, and filled up the Ditches and Drains made to carry away the water, burned up the Working-Tools, and other Materials of the Relator and his Workmen, and set up Poles in the form of Gallows to terrifie the Workmen withal; and threatened to break their Arms and Legs, and beat, and hurt many of them, and made others flee away, whom they pursued to a Town with such Terrour and Threats, that they were forced to guard the Town. And for these out-

*Attorn. Regis*  
*per Rel. Ver-*  
*muyden ver-*  
*sus Forkeley*  
*& al.*

Riotous oppo-  
sing and de-  
stroying the  
Drain-works  
in *Lincolnshire*.

rageous

2000 Marks  
damage to the  
Relator.

Leech *Mil.*  
*versus* Wad-  
dington *Cler.*  
& *al.*

Champartie.

Maintenance.

Riotous taking  
away of Tyth-  
Corn.

Dalton *versus*  
*Beck & al.*

Libellous  
words against  
a Minister.

50 *l.* damage.

*Atton. Regis*  
*versus* Rogers  
& *al.*

rageous Riots, whereby the Relator was damnified 2000 *l.* the Defendants were all committed to the *Fleet*, bound to their good Behaviour; three of them fined 1000 *l.* apiece, one 500 *l.* and nine others 500 Marks apiece; all of them at the next Assizes, after their apprehension, to acknowledge their offences, the Judges sitting, and pay 2000 Marks damage to the Relator.

There being difference between the Plaintiff and the Defendant *Waddington*, Vicar of *Chesterfield*, touching the Tythes there; which the Plaintiff claimed as Lessee to the Dean of *Lincoln*; the Defendant *Fuliambe*, being a person of great power in the County, took a Lease, for three years of the said Tythes, from *Waddington*, at the Rent of 20 *l.* *per annum*; when as the said *Waddington* was never in possession of the said Tythes, though he claimed them as belonging to his Vicarage, nor was in truth to receive any of the Rent reserved on the said Lease, which the Court held to be Champartie in them both. According to that Lease *Fuliambe's* Servants took part of the Tythes, and the Plaintiff brought several Actions at Law for them, the Charges of which Suits, Sir *Francis*, by way of unlawful maintenance did bear; yet a Verdict passed against *Waddington's* Title. Nevertheless the other Defendants with others, by the Abetment of Sir *Francis*, and *Waddington*, Riotously beat the Plaintiffs Work-folks, and carried away part of the said Tythed Corn to the use of Sir *Francis*: And afterward, at several other times, the Defendants, and others Nick-named, took away Tythes from the Plaintiffs Servants, trod some under foot, and threw some into the water, carried some away to *Fuliambe's* use, and wished the Right might be tried by force, and therewith cried, *A Fuliambe, a Fuliambe*, and *Waddington's* Servant and Horse helped to carry part of the said Tythes for *Fuliambe's* use; and for these offences they were all committed to the *Fleet*, Sir *Francis Fuliambe* fined 500 *l.* *Waddington* 50 *l.* two of the Rioters 200 Marks apiece, and two others of them 100 *l.* apiece.

The Defendant *Eleanor Beck* did falsifie, and did Libellously publish, and give out speeches at several times, and to several persons, that the Plaintiff had got her with Child, and falsely named the time and place when, and where it should be done; and *Richard Beck*, her Husband, said his Wives Report was true; although they now both swear they believe the Plaintiff to be innocent of any such Crime; and *Heyton*, another of the Defendants, out of malice to the Plaintiff, published and said, that the Plaintiff lived in Adultery with the Pedlers Wife; and that *a Priest had gotten a Pedlars Wife with Child*, meaning the Plaintiff and the Defendant *Eleanor Beck*; and for this, *Beck* and his Wife were committed to the House of Correction, to be set at work three Months, and be well whipped, and fined 40 *l.* apiece; *Heyton* committed, and fined 100 Marks; all of them to ask the Plaintiff forgiveness in his Parish-Church, and at the Assizes where the Decree shall be read; and also pay the Plaintiff 50 *l.* damage.

The Defendant *Rogers*, being of mean Estate, and knowing one *Jane Cockaine* to be under the Age of eleven years, and his Majesties Ward, and that an Estate of 300 *l.* *per annum* descended to her upon the death of her Father, practised with the other Defendant *Mary Partridge*, who attended the said Ward, to procure the said Ward without the consent

or



or privity of her Mother, to whom the Custody of her was committed, to contract her self for Marriage with the said *Rogers*, which they effected by the said *Partridge* her admittance of the said *Rogers* privately into the said Wards Mothers House by night, and bringing the said Ward being in Bed, down in her Arms to the said *Rogers*; and there caused her to subscribe to a Writing, purporting a Contract, in the presence of one whom they caused to swear not to reveal it; and then they procured one *Dunsterfield* to swear that the said Ward was sixteen years of Age, and had the Consent of her Mother to Marry the said *Rogers*, and upon that false Oath procured a Licence for their Marriage, and after endeavoured to have married her without her Mothers privity in *Greenwich-Park*; but being prevented, they procured her again to use words of Contracting her self with the Defendant *Rogers*. And for this they were committed to the *Fleet*: *Rogers* fined 2000 *l.* and *Partridge*, in respect of her penitency, but 40 *l.* and *Rogers* not to be enlarged of his Imprisonment until the said Ward should by Legal Course and Sentence in the Ecclesiastical Court be freed of the said Contract.

*Mic. 7 Car.*  
Practice to Contract for Marriage with a Ward but eleven years old.

He that made the false Oath to procure the Licence, could not be brought in to answer.

The Defendant *Owen ap Richard* in contempt, and contrary to his Majesties Proclamation, and Letters Patents prohibiting the making, or using of any other Farthings than those which were made by his Highnesses Patentees, and prohibiting the Counterfeiting the said Farthings, or making any Engines wherewith to counterfeit the same, did make so many Counterfeit Farthings of Copper, as came to 5 *l.* in Money, and spent, and vented them for his own use; and the Defendant *Hammond* lent other Counterfeiters of Farthings Money to buy Tools wherewith to Counterfeit the same, and provided them a Working-place, and bought them Copper to make Farthings withal, where they did work, and make Farthings, and gave him part thereof, allowing 25 *s.* in Farthings for 20 *s.* Sterling; and those Farthings *Hammond* spent and disbursed, as good Farthings, knowing them to be Counterfeit. And for these Contempts and Deceits they were committed to the *Fleet*, and fined 500 *l.* apiece, be set on the Pillory in *Cheapside*, and then be carried to Bridewell, there to be set and kept to work, during his Majesties pleasure, and not be thence enlarged, but by a signification of his Highnesses pleasure under his Hand and Seal.

*Attorn. Regis ore tenus versus Hammond & al.*

Counterfeiting and uttering false Farthing Tokens.

The Defendant *Taylor* bought twenty Quarters of Barley in the Market, but the Corn was never brought to the Market, and did not bring any Corn of his own that year to the Market, nor sell any, although he had 100 Quarters of Barley, 10 Quarters of Wheat, and 10 Quarters of Rye of his own growing that year, and had but fifteen persons in Household. And all the other Defendants, being six in number, did, in like sort buy much Corn out of the Market, and brought none of their own to the Markets that year, although they had great quantities growing; but some of them sold divers quantities out of the Markets, although they did know of his Majesties Proclamation, and the Book of Orders set forth that year for serving the Markets with Corn, to the end the Price might not be enhanced. And for these Offences, which the Court adjudged to be Offences, as well against the Common Law, as his Majesties Proclamation, and the Book of Orders set forth by the Lords of the Council, the Defendants were all committed to the *Fleet*, fined 100 *l.* apiece, and at the Assizes for *Norfolk* Publickly to acknowledge

*Attorn. Regis ore tenus versus Taylor & al.*

Hoarders of Corn to enhance the Price. Buying and selling out of the Market.

their Offences in the face of the Court, the Judges and Justices sitting, and the Court did forbear putting Ignominious Punishment on them, because that they alleaged in their excuse, that the Justices, after their Poor were provided for, gave them Licence to dispose of the rest of their Corn as they pleased. This Licence the Court held did extenuate, but not excuse them; and declared it to be a great offence in the Justices to give them such Licence.

*Attorn. Regis  
versus Carrier  
Cler. & al.*

*Riotous ta-  
king the Gui-  
ster Ore.*

The Defendant *Carrier*, taking upon him the Office of Bar-master, wherewith he had nothing to do, appointed the other Defendants to be Deputy-Bar-masters within the Wapentake of *Wirkeſworth*; and the said Deputy-Bar-masters, by the Abetment and encouragement of the said *Carrier*, and his Wife, did, at several times, demand, exact, and take by force and strong hands *Guiſter Ore* from divers of the Miners there, alleaging it to be their due: And *Carrier* said, they should not measure their Ore, unless they would pay *Guiſter Ore*, and said, the Bar-masters might take what they pleased, and he would bear them out in it. And all the Defendants, at several times, repaired to one *Buxton's Grove*, or Cove, and at one time brake open the Cove, and took away one Dish of *Guiſter Ore* by Force and Violence; and another time *Noton* by *Carriers Wives* Procurement took from them one other Dish of *Guiſter Ore*; and another time from one *Hill*, as much *Guiſter Ore*, by colour of the said Office. And at another time they all came in Forcible and Riotous manner to *Buxton's Grove*; and there by force offered to take away six Load of Ore; and being resisted, *Carrier* said, he was Bar-master, Judge, Justice, and Lord of the Mine, and whosoever resisted, he would set them in the Stocks by the Neck, Middle, or Legs; and *Carriers Wife* drew forth a long Knife, and said, she would take a shorter Course with them: And being desired to put up her Knife, she said, it was but a hanging-matter if she killed one of them. And for these Riots, and forcible taking away of *Guiſter Ore* (*pendente Lite* in the Dutchy) they were all committed to the Fleet. *Carrier* fined 500 *l.* his Wife 100 *l.* *Noton* 100 Marks, *Wright* 50 *l.* and two others 20 *l.* apiece; *Carrier* disabled, and made Incapable to have, or to deal or intermeddle in the Execution of the Office of Bar-master, or to hold, or execute any Temporal Office of Judicature; and referred to the Lord Keepers Consideration, whether he be fit to be a Justice of Peace any longer.

*Nota.*

The Defendant *Carrier* appeared to be guilty of several other Offences committed with a high hand, by colour of the Office of Bar-master, both in the Bar-moot-Court, upon Trial of Causes, in Managing, Countenancing, and Directing the Suits, or Matters there Depending, and the Jurors what to find, and of divers Examinations, and Extortions; yet the Court would not sentence him for them, because they were complained of only in a general Charge of Oppression, and Extortion, not naming any particulars thereof, in what Causes, or between what Persons, or of whom the said Extortious Fees were exacted, taken, and received. And for other Offences, proved but by one single Witness, he was referred to the High-Commission-Court.

*Hill.*



Hill. 7 Car.

THE Defendant upon Conference with one *Taylor* touching the Earl of *Suffolk*, did in the presence of two or three others, maliciously, and disgracefully say, and affirm, that the said Earl of *Suffolk* was a base Lord, and had dealt basely with him; and that he would make him repent it, and shortly after wished *Taylor* to tell him so; and afterward told one *Brabant* what he said to *Taylor* of the said Earl; that he was a base ignoble Lord, and had dealt basely with him, and that he had wished *Taylor* to tell him so: and for this he was Committed to the *Fleet* during His Majesties pleasure, Fined 4000 *l.* to make an humble acknowledgment and submission to the said Earl in this Court, as this Court should direct, and pay him 4000 *l.* damages.

*Attornat. Regis versus Greenville Bar.*  
Slander of the Earl of *Suffolk*.

Four thousand pound damage.

The Defendants *Carter* and *Nicholas* did, at several times, by night Hunt, Shoot, and Kill divers of His Majesties Red and Fallow Deer in *New-Forest*, and the Purlues thereof within the Plaintiffs Walk, and carried the same away, and disposed thereof: and for this they were Committed to the *Fleet*, and Fined 100 *l.* apiece, and after they have been Prisoners a while in the *Fleet*, then to be sent into the Country, and Committed to the House of Correction, until they shall give security to the Justices in *Eyre* to be of Good Behaviour ever after toward His Majesty and his Game there; and *Whitmerslee*, one other of the Defendants whose Offence stood proved but by one Witness, so as the Court could not Fine him, was Ordered to be also bound to his Good Behaviour before the Justices in *Eyre*, as the others were.

*Bacon Arm. ver. Carter, Oviat & al.*  
Killing His Majesties Deer in *New-Forest*.

*Grymes* using the Trade of making and selling of Hat-Bands, made seven or nine Hat-Bands of Silver intermingled with Copper-thred, and made twelve Dozen of Silver and Gold Hat-Bands mixt with Purl and Oes of Copper double-gilt, and sold them all for good and perfect Ware, made of good Gold and Silver; and *Wood* being a Spinner of Gold-thred, and maker and seller of Gold and Silver Hat-Bands, did deceitfully make and cause to be made three or four Dozen of Hat-Bands Trimmed with Copper Oes, and sold the same; and *Knight* using the Trade of making and selling of Gold, and Silver Hat-Bands, did in the making up of twenty Dozen of Hat-Bands use, and work half an Ounce of Copper Oes, and Purl, and sold them for all perfect Gold and Silver: and for these Deceits and Abuses they were Committed to the *Fleet*; *Grymes* Fined 50 *l.* *Wood* and *Knight* 20 *l.* apiece, and all to be bound with good Sureties never to offend in the like kind hereafter. The Decree to be read at the *Guild-Hall*, *London*, at the next General Meeting of the Lord Mayor and Liveries there; and then the said Defendants to make a publick acknowledgment of their Offences, and the Lord Mayor required to make search for all such Deceitful Ware, and to see it destroyed.

*Bayneham ver. Grymes & al.*

Deceitful mixing of Copper Purl and Oes in Silver and Gold Hat-Bands.

*Knight* was Fined for matter not Charged in the Bill, but confessed by him on his Examination.

Nota.



Pasc. 8 Car.

*Attornat. Regis versus Caston Attornay.*

*Champarty in Buying his Clients Judgment.*

*Oppression by Multiplicity of Actions Vexatious, and Arrests on Writs of priviledg.*

*Suing in other mens names without their privy. Filling up of Blank Warrants.*

*Amboedexter.*

*Reproachful words to a Justice on the Bench.*

THE Defendant being Attorney for one *Armiger* and *Goddard*, put a Bond of 100 *l.* in Suit against one *Walton*, and obtained Judgment thereupon, and upon that Judgment Sued forth a Writ of *Fieri Facias* to Levy the said Debt with 5 *l.* Costs, and procured a Warrant thereupon to be directed to the Defendant *Walton*, who by vertue thereof, took in Execution Goods of the said *Walton*, which were valued at 77 *l.* 18 *s.* 6 *d.* which being sold, *Caston* received the mony, and then refused to deliver either the mony or Goods to the Sheriff, yet caused the Sheriff to be amerced 40 *l.* for not returning his Writ, the said *Caston* having before bought the said Judgment of his Clients, which the Court Judged to be *Champarty*; and *Caston* afterward Sued forth an *Elegit*, and extended the Moity of the said *Waltons* Lands for the rest of the Judgment, and *Goddard* his Client, had only 5 *l.* for his share of the said Judgment: and one *Jenner* owing *Caston* 20 *l.* upon a Bond, which was forfeited, being made payable on a *Sunday*; *Caston*, although the mony was tendred him the day before it was due, and the day after, procured *Jenner* to be Arrested by the Defendants *Walton* and *Gonnell*, his special Bailiffs, upon a Writ of priviledg, whereupon *Jenner* acknowledged a Judgment with a *Defeasance*, and paid the mony at the day. Yet the Defendant *Caston*, for vexation, took advantage against the Bailiff of the Liberty of *St. Etheldreds*, and five of his Bailiffs for Arresting the said *Jenner*, and taking him out of the Custody of the said *Walton* and *Gonnell*, who had Arrested him at *Castons* Suit, but would not acknowledge it, though they were asked, and caused *Walton* and *Gonnell* to return a *Rescue* against them, and the five Bailiffs were thereupon Fined, Imprisoned and Out-lawed; and yet *Caston* not therewith satisfied, caused all the said Bailiffs to be Arrested upon several Actions, and several Writs of priviledg, for the same *Rescue*, at his Suit, and brought one of the Actions down to Trial, but would not proceed; and the rest, being Arrested, gave Bond to the Sheriff to appear, but did not, in respect they were not able to find special Bail; and then *Caston* got from the Under-Sheriffs Clerk their Bonds to the Sheriff, and without the Sheriffs consent, put them all in Suit, severally, against them and their Sureties, to their great Charge and Vexation. The Defendant *Caston* also procur'd several Blank Warrants from the Under-Sheriff with the Sheriffs Hand and Seal thereunto, and filled up some of them by inserting the names of Special Bailiffs. He also Sued one *Hills*, both in the Court of Kings Bench, and Court of Common Pleas for one and the same Debt, and made him pay the Charges of both Suits. He also Sued forth Execution upon a Judgment against his own Client, and offered mony to have it Executed. He also taxed Sir *Robert Hitcham* Knight publicly sitting on the Bench with other Justices, at a General Sessions, that he was partial, and not indifferent in a Matter then in Dispute, and was not fit to hear the Business, for that he bore Malice to the Party, and that he was both Witness, Judge, and Party, and would not desist until he was Committed, and bound to his Good Behaviour. And the said Defendants practice with a Maid-Servant of Sir *Robert Hitchams*, and with her Mother, procured her Treacherously to take a parcel of Articles out of her Masters Chamber-window, which were delivered him against

*Caston,*



*Caston*, and to send them to him the said *Caston*; and would have persuaded her fallily to have sworn, that they were written by her Master. *Walton*, having Arrested one *Burd* several times, refused to take Bail upon both Arrests, but beat, kicked, and dragged him, because he would not go to the Attorney against him: and the Defendant *Gonnel* at *Bury*-*Affizes*, at the Trial of a Cause between one *Spooner* Plaintiff against *Threlkeld*, by Persuasions, Threats and Bribes, procured two of the Plaintiffs Witnesses to go away before they had given their Evidence, so as the Plaintiff was forced to be Non-Suited: and for these several Offences *Caston* was Committed, Fined a thousand Marks, thrown over the Bar, and disabled ever to be an Attorney; the Decree to be read at the *Affizes*, and there *Caston* to acknowledg his Offences, and ask Sir *Robert Hitcham* forgiveness: *Gonnel* Committed and Fined 100 *l.* bound to his Good Behaviour, and disabled to be a Bailiff; and *Walton* bound to his Good Behaviour, and disabled to be a Bailiff ever after; but not Fined, in respect his Offence stands proved but by one Witness. *Quod Nota.*

*John Stoner* by the advice of *Angelo Stoner*, his Brother, after the Decease of one *Henry Evefeed*, made an Assignment in Writing to the said *Angelo* of a supposed Lease, which he pretended the said *Evefeed* had made to him the said *John* in his life time, of all his the said *Evefeeds* Lands for ninety nine years, and in that Assignment expressed a pretended consideration of 500 *l.* to be paid to the said *John* by his Brother *Angelo*, for the said Assignment, and the same was Signed, and Sealed, as an Assignment of a Good Deed made *bonâ fide*, and so published by the Defendants, who confess they never knew of any such Lease, as is mentioned in the said Assignment, neither was there any one penny of the pretended 500 *l.* consideration paid, or intended to be paid by the said *Angelo*, to the said *John* for the said Assignment: and for this new kind of Fraud to Disturb Titles and Estates, the said Defendants were both Committed to the *Fleet*, and Fined 200 *l.* apiece. This Sentence was grounded upon Matter confessed, but not Charged by the Bill. This Suit was also for the forgery of a Will, but the Court would not proceed to damn the Will, because the parties charged with the Forgery died, *Pendente Lite*; and for that the Lands in question by the Will of one of the Defendants Deceased came to an Infant, His Majesties Ward, no party to the Suit.

### Trim. 8 Car.

THE Defendant *Broughton* coming unto the Chappel of Ease in *Charnes* in *Com. Stafford* to hear a Sermon, placed himself in a Seat, where the said *Sales* then was by his Masters direction, being a Seat whereto Mr. *Broughton* claimed an Interest, and holding *Sales*, being *Youngs* Plow-man, unfit Company to sit with him, and conceiving it was done to affront him (as in truth it was) the said Defendant wished *Sales* to go forth of the Seat, which he refusing, *Broughton* took him by the Hair, or Ear, with one Hand, and therewith, and with his other Hand forcibly thrust him out of the Seat, and threw his Staff after him, which *Young* perceiving intended to go sit there himself, and in the Sermon-time

Pas. 8 Car.



A Bailiff beating his Prisoner.

Indirect procuring Witnesses to depart, and not give Testimony, being called.

Nota.

Smith *versus* Stoner & al.

Fraud.

Nota.  
On Confession, not in the Charge of the Bill.Young *Gen.* & *Sales*, *versus* *Youngs* *Plow-man* *Broughton* *Arm.* & al.

Disturbance in the Church in Sermon time.

endea-

endeavoured so to do, but *Broughton* perceiving him coming, met him at his entrance, took him by the Collar of his Doublet, and hastily thrust him backward, saying he should not sit there, whereat the Preacher made a pause: and for this he was Committed, and Fined 100 *l.* but no Costs on either side.

*Broughton*  
*Arm. versus*  
*Young & al.*

Disturbance in  
the Church.

The Defendant *Young*, seeing the Plaintiff put *Sales*, the said *Youngs* Plow-man out of the Seat, where the said *Broughton* was to sit in the Chappel of *Charnes*, and where *Young*, and his Ancestors also used to sit, being the Chief Seat there, rose out of his own Pew in the Sermon-time, and endeavoured violently to get into the said Seat, but was resisted by the Plaintiff, to the disturbance of the Preacher and people: and for this disturbance *Young* was Committed, and Fined 50 *l.* the disturbance being occasioned by the said *Youngs* placing his Plow-man in the uppermost Seat, to sit with the Plaintiff, which the Court misliked, and Condemned; yet ordered neither side to have Costs.

*Jackson Mil.*  
*ver. Dominum*  
*Savile & al.*

Riotous Af-  
fault and Dis-  
graceful usage  
of the Plain-  
tiff.

Two hundred  
and fifty  
pound da-  
mage.

*Dymock Arm.*  
*versus Cham-*  
*bers & Dee.*  
Champarty  
and Mainte-  
nance.

The Lord *Savile*, out of Malice, and to Disgrace and Affront the Plaintiff, did by color of preservation of His Majesties Game, come into *Matersfriston* Fields with twenty or thirty others in his Company Armed, where the Plaintiff, with divers other Gentlemen were, by the leave of Mr. *Vavasor*, who had free Warren in the Mannor, Hunting the Hare, and applying himself to the Plaintiff, with a frowning discontented Countenance, said, Sirrah, by what Authority do you Hunt here? and the Plaintiff answering, by Mr. *Vavasors* leave: the Lord *Savile* in disgrace of the Plaintiff replied, Sirrah be gon, or I will send you packing, I scorn both you and Mr. *Vavasor*: and thereupon he and divers others of his Company drew forth their Swords, and the Lord *Savile* furiously assaulted the Plaintiff, who had nothing to defend himself but his Hunting-Pole, and pursued, and chased him about the Field, called him Coward, challenged him to Fight with him, and in disgrace told him, a Pot of Ale was fitter for him than a Sword; yet the Plaintiff to avoid Bloodshed, neglected his provocations, and went out of the Field: and for these Offences the Lord *Savile* and *Graunt*, who also drew his Sword, and pursued the Plaintiff, were Committed to the Fleet; the Lord *Savile* Fined 1000 *l.* and *Graunt* 200 *l.* but the Lord *Savile* to pay that also, if he be not able, and he to pay 250 *l.* damage to the Plaintiff, and make him such other Reparation for his foul and disgraceful Speeches, as this Court should direct.

The Defendants after a special Verdict given up by the Jury, upon a Trial touching certain Lands in Controversie between the Plaintiff, and one *Jenkins*, did by way of Unlawful Champarty buy the said *Jenkinses* Estate in the Lands in Controversie, and procured a Deed thereof to be made to the Defendant *Chambers*, but to *Dees* use, and a Fine to be Levied; and did by way of Unlawful Maintenance of the said Suit, assist *Jenkins*, and retain Council, and an Attorney, and gave them Fees, and the Clerks employed in the Business; and after the special Verdict Argued, and given for the Plaintiffs Title, the Defendants Sued forth, and at their own Charge Prosecuted a Writ of Error in the Court of Kings Bench, in *Jenkinses* name, and Agreed, that if *Dee* did not pay *Chambers* all the mony he disbursed at the end of the Suit, *Chambers* should have the Land: and for this they were both Committed; Fined



fin'd 100 *l.* apiece, 30 *l.* damage to the Plaintiff; and the Decree to be read at the Assizes in the County of *Flint*.

*Mi. 8 Car.*  
30 *l.* Damage.

*Michael. 8 Car.*

**T**He Defendants *Harrison* and *Spyer*, at several times, and places, and in presence of several Persons, published an infamous Libel, which they called, *Verses made of the purer sort*, to the scandal and disgrace of the Plaintiffs, whom all the Defendants confess to have lived in good repute, and to be of honest Life and Conversation. And the Defendant *Tuston* having procured a Copy of the said Libellous Verses from *Harrison* and *Spyer*, he published them to divers Jurats of the Town of *Rye*: And after he was told, he would be punished for it, he gave his Copy to a Gentlewoman, and told her, that Libel was intended by the Plaintiffs. And the Defendant *Martin*, upon Conference about the said Libel, said, he would bear out him that was the Contriver of them though it cost him 100 *l.* and said the Libel was true, and that the Plaintiff *Smith* lay with the Plaintiff *Martha Osmonton*, and therefore it was not a Libel, but a True Bill. And for this they were committed to the *Fleet*, *Martin* fin'd 500 Marks, the other three 200 *l.* apiece, and 100 *l.* Damage to the surviving Plaintiffs, one being dead; *Martin* bound to his good Behaviour, and all of them to acknowledge their Offences, and great Injury done to the Plaintiffs, both at this Bar, and at *Rye*, in the presence of the Plaintiffs, and the Mayor, and Jurats there, and shew themselves heartily sorry for the same.

*Smith & al.*  
*versus Tulton*  
*Armig. & al.*

Libel.

100 *l.* damage.

The Defendant *Travers*, upon some heart-burning and discontent taken against the Plaintiff for crossing his Advancement to the Place of a Canon-Residentary in the Church of *Exeter*, did conspire with the Defendant *Frost*, and *Katharine Bampton*, his Daughter, falsely, and maliciously to accuse the Plaintiff with the foul Crime of Incontinency with her the said *Katharine*, which the said *Katharine* was drawn to do, partly by Wine, and partly by Promises and Importunities. And for this, *Travers* was committed to the *Fleet*, fin'd 1000 *l.* to the King, and 250 *l.* damage to the Plaintiff, and to make his acknowledgment, and ask the Plaintiff forgiveness at this Bar, and at the Assizes at *Exeter*, and the Decree to be then read. *Frost* committed to the *Fleet*, during his Majesties pleasure, bound to his good Behaviour, fin'd 500 *l.* to be set on the Pillory at *Exeter*, with a Paper on his head declaring his offence, and there to make an acknowledgment, and ask the Plaintiff forgiveness, the Decree being read: And *Katharine Bampton* committed to the *Fleet*, thence to be carried down into the Country, to be well whipp'd at *Cullampton*, and through the City of *Exeter*; and then committed to the House of Correction a year, and before her enlargement find Sureties for her good Behaviour. Others of the Defendants reprov'd, and left with a *Non Liquet*, and all the Records in this Cause, saving the Plaintiffs Bill, and this Decree, as also all Copies thereof to be called in, and burned, that no Scandal remain to the Plaintiff hereafter.

*Dr. Peterfon*  
*Deacon of Exe-*  
*ter versus Tra-*  
*vers Cler. & al.*

Conspiracy to  
accuse the  
Plaintiff of In-  
continency.  
250 *l.* damage.

The Defendant *Lunsford*, having conceived displeasure against the Plaintiff, did, together with the other Defendants in *January 5 Car.* go into

*Pelham Bar.*  
*versus Luns-*  
*ford Jun. & al.*

Riotous hunting and killing the Plaintiffs Deer, and beating the Keepers.

500*l.* damage to the Plaintiff, 200 *l.* damage to the Keepers no Parties to the Suit.

*Attorn. Regis versus Steward & al.*

Riotous destroying the Inclosures in Feckenham Forest.

*Attorn. Regis versus Jupp.*

into the Plaintiffs Park, and there by day, and night, being provided with Grey-hounds, and armed with several unlawful Weapons, and there hunted, and killed one Male Deer, and a Doe, and a Fawn, and carried away the Male Deer, and left the Doe and Fawn behind; and the Plaintiffs Keepers hearing the Bray of a Deer, and coming in unto them, the Defendant *Lunsford* with a long Staff gave one of them several blows, one on the shoulders, and another on the back; and another of the Defendants with a Forest-Bill knock'd down the other Keeper, and whilst he was on the ground, he was run through the Back, and so into the Breast, three or four Inches deep, with a Rapier; and one of them took a Pistol from his side, and swore he would shoot the Rogues, meaning the Keepers, and told them they should never come back if they followed them; and *Lunsford*, at several other times by day, and night, in season, and out of season, did, in revenge, hunt, kill, and carry away the Plaintiffs Deer; and upon Conference with one Mr. *Levet* touching his hunting, and killing the Plaintiffs Deer, he used many words of scorn and contempt against the Plaintiff, terming him Fool, and saying, He cared not a Fart for him. And for this, *Lunsford* was committed, fined 1000 *l.* bound to his good Behaviour, with Sureties 10 *l.* apiece Lands in the Subsidy in the Sum of 2000 *l.* and in respect he is fled into another Kingdom, to shun the Justice of this Court; They held fit, his Majesty should be moved for his Privy Seal to command him to come over, which if he did not do by *Whitsuntide* next, his Fine then to be doubled, and he to endure three years Imprisonment when he did return: The other two committed to the *Fleet*, fined 200 *l.* apiece, and bound to their good Behaviour; and all the Defendants to acknowledge their offences at the Quarter-Sessions in the County of *Sussex*, and pay the Plaintiff 500 *l.* damage, and 200 *l.* damage to the Plaintiffs Keepers.

The Defendants, with about five hundred others in their Company, 28 Mar. 7 Car. assembled themselves in *Feckenham* Forest, upon that part thereof, which upon the Disafforestation was allotted for his Majesties part, and wherein his Majesties Farmers had made and set up Hedges and Ditches, about three Miles in length, and did there, with Spades, Shovels, and Pitch-forks, in Riotous and unlawful manner throw down about 1000 Perches of the said Fences: And the Sheriff and Justices coming thither, making Proclamation, and commanding them to depart, and give over their said Riotous Actions; they not only refused so to do, but also Riotously assaulted the Sheriffs Company that came with him to suppress the Riot, threw stones at them, hurt divers of them, and beat them back, and would not be drawn to yield any obedience. And for this they were all committed to the *Fleet*, fined 500 *l.* apiece, bound to their good Behaviours, and at their own Charges between that and *Christmas*, repair, and make up all the Ditches, Hedges, and Fences by them and their Confederates Riotously thrown down, and what in them lie, save the said Fences from farther spoil hereafter; the Decree to be read at the next Quarter-Sessions for *Worcestershire*, and then the Defendants publicly to acknowledge their offences, and shew themselves sorry for the same.

The Defendant in *July* last bought in *Leadenhall*-Market 110 Flemish Ells of Minikin-Bays of *Bocking* making, and three other Pieces of about



about 50 like Ells the Piece, for one *Goddard* a Seafaring man; and afterward to grace the Commodity, and to make them sell the dearer beyond Sea, (where it seems they are bought, and their goodness known by the Seal, without opening them) the Defendant affixed Seals to the said Bays, like the *Colchester* Seals, which he made with Stamps he had gotten for that purpose, *Colchester*-Bays being better, and selling dearer than other Bays, and this Bays being worse than the worst *Colchester* Bays. The Defendant also confesseth, that a hundred and a hundred times, and above he hath for Merchants made the Faulty Bays of *Colchester* have the whole Seal, which before had but the half Seal, and was marked as faulty by cutting off a piece, and fixing the Seal at the Angle, and this he did by cutting off the Puckle of the Bay at the Angle, and drawing it, and fixing that Seal at another place. And for these Frauds the Defendant was committed during the Kings pleasure, not to be enlarged, until he had discovered and made known the Names of such Merchants for whom he used and practised the said deceit, and found Sureties for his good behaviour, fined 1000 *l.* and a power of inflicting further punishment, and Compulsory means to make him confess their Names; if he continued stubborn, and will not discover them, and to be set on the Pillory in *Cheapside*, *Cornhil*, *Blackwel-Hall*, *Bocking*, and *Colchester*, with a Paper on his head declaring his offence, and at each place the Decree to be read, and Printed Copies thereof to be set up upon the Pillory, and other places thereabout, to the end they may there remain, and be seen, and that the cause of his punishment may be generally known to the Clothiers in all parts of the Kingdom.

The Court declared, that whosoever should discover and bring to to Sentence any Delinquents of this kind, they should for their Reward have half the Fines, which should by this Court be imposed upon them.

*Peter Bland*, being in 1615. seized of Lands to the value of 230 *l.* per Annum, and also possessed of a Personal Estate of good Value, did, by a Will made that year, distribute the greatest part thereof unto, and among his three Children, and their Issues; and in 1621. Estitated his Lands upon his Brother *John Bland*, and the Defendant *Lownes* (who had then married his Neece, with whom *Bland* gave him 150 *l.* Portion, and trusted him, being a Scrivener, with the letting out of his Money) and to their Heirs in Trust, to sell the same, and dispose the Money according to his the said *Peter Bland's* Will, or in default of such appointment, then to be distributed among his Children, and Grand-Children, at the discretion of the said *Lownes* and *John Bland*, with a Proviso therein to revoke the same, paying 200 *l.* apiece to the said *Lownes* and *John Bland*, and in March 1622. *Peter Bland* made a second Will, and thereof made Executors the said *Lownes* and *John Bland*, and one Mr. *Baldwin*, his best trusted Friend; and to preserve that Will, he put it into a Box with three Locks and three Keys, and delivered to each Executor a Key, and said it should not be opened until they all met; and by that Will, as himself reported, he devised his Lands among his Children and Grand-Children, and also all his Personal Estate, saving some small Legacies to his Friends. After which *Lownes* by a Letter written by the Defendant *Hoskins*, who was *Peter Bland's* Servant, to Mr. *Baldwin*, whereto *Peter Bland's* Name was suspiciously subscribed, got Mr. *Baldwin's* Key, and then the Chest wherein the said Box with

H

three

Mi. 7 Car.

Deceitful putting Counterfeit Colchester Seals to Bocking-Bays.

Vide Atton.  
Or Coleman.  
Pasch. 14 Car.

Nota.

Herbert Arm.  
Or al. versus  
Lownes  
Or al.



Fraudulent  
procuring of a  
Deed and Will  
from a man in  
great age and  
weakness, to  
the disinheriting  
of his  
Children, and  
Grand-children.

A Counsellor  
suffering himself  
to be misled, and drawing  
a Deed  
and Will by  
the Instruction  
of him  
who was to  
have the benefit  
by them,  
and not of the  
Party himself,  
being a very  
aged weak  
man.

Kilvert *versus*  
Hanger.

Libel.

three Locks was kept, was carried to *Lownes* his House, and what is become of that Will since cannot be discovered: but *Peter Bland* being grown very Aged, and Infirm, and weak in Body and Understanding, by reason of his Age, and of an Apoplexy, and being wholly guided by the Defendants *Lownes* and *Hoskins*, was, in *July* and *November* 1624. during such Weakness, drawn to make two other Wills, and seal and deliver some Conveyances of his Lands to the said *Lownes*, and others in Trust for *Lownes* his use; and in *June* 1 *Car.* *Lownes* having gotten him to his House, did, by practice with *Hoskins*, circumvent *Peter Bland* in his greater Weakness, and drew him to Sign and Seal one Deed Indented, Dated 25 *Junii* 1 *Car.* whereby *Lownes*, in Consideration of the said former Conveyance to him, and others to his Use, of the said *Peter Bland's* Lands, and of 1150 *l.* in hand paid to the said *Lownes* by the said *Bland*, did Covenant to pay several Sums of Money therein mentioned to several persons therein named, in such sort as was therein expressed: And *Lownes* then Sealed a Bond of 4000 *l.* to *Peter Bland*, and his Executors, &c. to perform those Covenants, and at the same Instant, by the practice of the said *Hoskins*, drew the said *Peter Bland* to seal, and publish a Writing, as his last Will and Testament, but dated *June* 27. reciting, and confirming the aforesaid Deed; and of that Will made the said *Lownes*, and *John Bland* his Executors, but none of *Bland's* Children, or Grand-children were privy thereunto, nor any of his Friends Witness thereunto; and by this means *Lownes* would have defeated all *Peter Bland's* Children, and Grand-children of his whole Estate: and by making himself Executor of that Last Will, he made void the Bond of 4000 *l.* by him entred into to perform the Covenants of the Deed of 25 *Junii*. And for this Fraud, Deceit, and Circumvention, *Lownes* and *Hoskins* were committed to the Fleet, and fined, *Lownes* 1000 *l.* and *Hoskins* 300 *l.* and did confirm and strengthen the Decree in Chancery, whereby the now Plaintiff *Bland's* Children are relieved for his Estate. And Sir *Richard Minshall* Knight, who was of Council with *Lownes*, for the drawing of the Deed of the 25 of *June*, and the Will of the 27 of *June*, for suffering himself to be misled by *Lownes*, and receiving his Instruction from *Lownes* to draw them, and not from *Bland*, to whom he did often resort; and for suffering the same to pass with unfit Clauses and Proviso's and never acquainting *Bland* how prejudicial it was to his Children and Grand-children, nor asking him whether it were his Intention so to prejudice them, as he ought to have done, being present also at the Sealing, and delivery of them, was committed to the Fleet, and fined 500 *l.*

The Defendant, being discontented with an Award made by the Plaintiff and another Merchant, did, out of malice, under colour of setting down in Writing, Exceptions to the said Award, and the proceedings thereupon, frame, and put in writing a Libel against the Plaintiff, wherein he unjustly and scandalously charged him as a general Wrongdoer, Deceiver, and Oppressor of the King's Subjects, who resided at *Sevil*, and other parts in *Spain*, during such time as he resided there, and falsely terming him, *A Briber, a Judas, and Viper*, and stuffed the same with divers other notorious, false, and Libellous untruths, nothing concerning the Award or Reference; and the more to scandalize him, denoted and signified the Plaintiff by the Letter *K*, saying, he came to shew the falshood of that base and shameless *K*. and published the same. And

for



for this he was Committed and Fined 500*l.* to the King, and 500*l.* damage to the Plaintiff, and make a Recognition and acknowledgment to the Plaintiff of the wrong done unto him.

The Defendant *Neal* with intent to get the Possession of the House whereto he Claimed Title, and wherein the Plaintiff, his Wife, Children and Mother then dwelt; and knowing no other way to get the Possession, but by starving them out, did to that end take away a Womans Horse, as she was going with Food to them, and turned her back again on Foot, and threatened her with what violence he would use her, if ever she came to bring them any more Food or Suttenance, and by this means the Plaintiffs Mother being Fourscore years Old, was starved for want of Food, the Neighbours not daring to come to Relieve them for fear of *Neale*, and *Neale* with others in his Company came to the House, and with an Ax, or Hatchet, did Riotously cut down three of the doors of the House, the Plaintiffs Wife and Children being therein, carried away the doors, and Reviled his Wife and Children; and another time with others in his Company did Riotously, being Armed with a Bill; throw and beat off part of the Tiles of the House: and for this he was Committed, and Fined 500*l.*

The Defendant having several Mannor-Houses and Lands in the Country, of great Value, did (in contempt, and contrary to his Majesties Proclamation, whereby all Noblemen, Gentlemen and others were Comanded to resort into their Countries, and not to make their Residence in *London*, or Suburbs there) Reside and Live in *London*, for divers years past, and went not to his Country-Dwelling: and for this Contempt and Disobedience he was Committed to the *Fleet*, and Fined 1000*l.*

The Defendant *Gregory*, and *John Rowe* Assaulted and Beat the Plaintiff aboard a Ship, being then a Head-Constable; and at his going away, *Gregory Rowe* challenged him to Fight, which the Plaintiff refusing, the said Defendant told him that if he would not Fight with him at their next meeting, he should take what fell out: and the same day *Gregory Rowe* Armed with a Sword and Pistol, together with *John Rowe*, and six or seven others Armed with Swords, came before the Plaintiffs House, and *Gregory* there Challenged the Plaintiff to Fight with him; saying, if the Plaintiff would not Fight he would be revenged on him; and thereupon an Officer of the Town requiring *Gregory* to keep the Peace, and yield up his Weapons, he refused so to do, and another of the Company then said they came to Fight, and they would Fight, and so there continued half an hour in that Tumultuous manner. And the next day the two *Rowes* came to a Tipling-House, near the Plaintiffs House, and there *Richard Rowe* said that he would knock down the Plaintiff wheresoever he met him, and be revenged on him, although he died in the place: And the Constables being thereupon sent for to keep the Peace, they found the two *Rowes* standing before the Plaintiffs door, one of them being Armed with a Sword and Dagger, and the other with other like Weapons, and a Pistol Charged with a Brace of Bullets; and the Constables requiring them to keep the Peace and deliver their Weapons, they refused; and *John Rowe* being thereupon dis-

*M 2 Car.*  
Five hundred  
pound da-  
mage.

Best, Pauper  
vs. *Neale*  
or *Wimer*  
*Ann. & al.*

Riotous pro-  
ceedings.

Attornat. Re-  
gis orz tenus  
versus *Palmer*  
*Armig.*

Residing in  
*London* con-  
trary to Pro-  
clamation.

Tapson *Gen.*  
versus *Rowe*  
*Gen. & al.*

Riotous Out-  
rages.

A hundred pound damage to the Plaintiff, 40 *l.* damage to another no party to the Suit.

Trevarion, *Gent. versus Vivian Mil. & al.*

Breach of Trust, and Deceit in a Captain of a Castle.

*Dominus Barkley ver. Poole & al.* Killing the Plaintiffs Deer.

armed, *Gregory* promised to deliver his Weapons to one of the Constables; but on a sudden drew forth his Sword, and asked, who durst come near him, he would drive the whole Town before him; and then *Richard Rowe* also drew his Sword, and so Rescued themselves, and went out of the Town, and *Creese*, a Constable, and others going after them to see them out of the Town, *Richard Rowe* with a Staff, and *Gregory* with a Sword, and a Pistol with the Cock bent, turned back upon them, presented the Pistol against the Constable, and thrust at him with a Sword, no Violence at all being offered unto them: and for these Offences the three *Romes* were Committed to the Fleet, *Gregory Rowe* Fined 500 *l.* the other two 400 *l.* apiece, all bound to their Good Behaviours, and 100 *l.* damage to the Plaintiff; and 40 *l.* damage to *Creese* the other Constable.

### Hill. 8 Car.

THE Defendant having by Letters Patents from His Majesty the Captainship, Custody and Government of the Castle of *St. Maures* in *Cornwal*, and having for it a Fee of 3 *s.* per diem, and power to Elect a Deputy or Lieutenant, a Porter, a Master Gunner and twelve Souldiers for his Assistance in Guarding the said Fort, with a Fee of 1 *s.* 6 *d.* per diem for the Lieutenant, 1 *s.* per diem for the Porter, 1 *s.* per diem for the Gunner, and 8 *d.* per diem for each Souldier, and all those Fees to be paid Quarterly to the Defendant, and he to pay the others, did, contrary to the duty of his Place, and the Trust reposed in him by His Majesty neither maintain and keep the Castle Guarded with so many Souldiers as he ought, nor give those Souldiers, which did Attend and Guard the Castle, such proportion of money as was allowed by His Majesty, but continued the Castle guarded with a less number, and those that were he abated much of their Wages, and put it into his own Purse, and when His Majesty sent to take a view of the Castle, he would get a compleat number of Souldiers to attend, and some were Enrolled there, as Souldiers, who lived far off, and never had penny of Pay, nor ever did any service there: and for this deceit and breach of Trust he was Committed to the Fleet, Fined 2000 *l.* Suspended from the Execution of his Place, until His Majesty give him farther Licence to Execute it; and Mr. *Attorney General* required to call him to an accompt for the monies by him received from His Majesty, and unduly kept in his own Purse.

The Defendants at divers several times Hunted and Killed the Plaintiffs Deer, both Red and Fallow, in his Park called the *Worthy*, with Nets and other Instruments: and for the same *Rowland Poole*, whose Offence was aggravated by his denial of it upon Oath, and persuading the rest to Perjure themselves also, and to deny the same, was Committed, Fined 200 *l.* bound to his Good Behaviour seven years, and at *Gloucester* Assizes, standing in an eminent place with a Paper on his head declaring that he did in this Cause forswear himself, and persuade others to forswear themselves also, acknowledged his Offence, and ask the Plaintiff forgiveness: two others Committed, Fined 100 *l.* apiece, and bound to their Good Behaviour four years, and five more Committed, Fined



50 *l.* apiece, and bound to their Good Behaviour three years; all of them to acknowledg their Offences at the Assizes, and submit themselves to the Plaintiff, and pay him 100 *l.* damages.

The Defendant, Sir *Henry Anderson*, Coveting to gain unto himself the Rectory of *East-Cowton* from the Plaintiff, threatned the Plaintiffs Tenant to set fire on his Hay, and that he would be Troublefom to him, and *Maultus* told him he would be undone by it: and they bearing malice to the Plaintiff for that, as it should seem, he would not sell the said Rectory to Sir *Henry*; Sir *Henry* sent the Plaintiff a message full of provoking Language: and *Maultus* meeting him in the Town of *East-Cowton*, bid him get out of the Town, like a Skip-Jack-Fellow as he was; for he would have him packed out of the Town; and that if he did not go, he should be beaten out. And soon after, as the Plaintiff was going to the Pound to release a Horse of his Tenants there Impounded, which they would in no wise deliver, unless the Plaintiff came in person; the Defendant *Henry Anderson* came to the Plaintiff, picked a quarrel with him, and *Maultus* being come almost to him, took hold of the Plaintiffs Horse-Bridle, and strook the Plaintiff on the Breast with a Staff, and *Green* beat him about the Neck and Shoulders with a Pitch-Fork; and the Plaintiff having gotten from them, *Maultus* standing by said, stay Sirrah, stay, you go not so, I have something to say to you before you go, I told you you should be beaten out of the Town; and Sir *Henry* after said, he was not Cudgelled half enough: and for this they were all Committed to the *Fleet*; Sir *Henry*, for abetment of the Riot, and *Henry*, his Son for the Riot, Fined 300 *l.* apiece, *Green* and *Maultus* Fined 200 *l.* and bound to their Good Behaviour a year, and Sir *Henry*, and *Henry Anderson* to pay their Fines, if they be not able, and the Defendants Convicted to pay the Plaintiff 100 *l.* damages.

*Pas. 9 Car.*

A hundred pound damage.

*Bacon Armig. ver. Anderson Mil. & al.*

Riot and procurement thereof.

A hundred pound damage.

*Pas. 9 Car.*

THE Defendant *Constantine* disbursed mony toward the Suing forth of a Writ of *Scire Facias* out of the Court of Exchequer against the Plaintiff, which, at his instance, was Executed, and Returned; and did, at his own Charge, procure a Judgment against the Plaintiff, and a Writ of Extent to be thereupon Sued forth, and Executed, he having no Interest in the Debt or Suit, whereupon the Writ was Sued forth, and Executed: and for this Maintenance he was Committed to the *Fleet*, and Fined 100 *l.*

*Wicksteed versus Constantine. Maintenance.*

Seventeen of the Defendants with about three or fourscore others *July 9. 6 Car.* assembled themselves upon a piece of Ground called *Westland-Heath*, which was then Fenced by the Plaintiff with Hedges, Ditches, Gates, Rails and Posts, and whereon the Plaintiff had then Corn growing; and being Armed and provided with several sorts of Weapons and other Instruments, did Riotously break down, pull up, and cut in sunder the Gates, Posts, Rails, Hedges and Fences there, and burned and consumed them, and the Quicksets there with fire, strook up a Drum, and shouted, laughed, and rejoiced thereat; and the Constables coming to keep the Peace, they threatned to burn them too, if they

*Southern Mil. versus Herne & al.*

Riotous destroying and burning of Fences.



they resisted the Rioters, and had a Captain and Lieutenant among them : and for these Riotous proceedings, although some of them had, the day before, upon a Trial Recovered Common of Pasture in the said Ground ; the Defendants were Committed to the *Fleet* ; *Webster* the Captain, and *Brown* the Lieutenant Fined 100*l.* apiece, bound to their Good Behaviour a year, and to acknowledge their Offences at *Norfolk-Assizes*, the Decree being there Read ; and the rest of the Defendants Fined 50*l.* apiece : but the Court would give the Plaintiff no damage, for that some of the Defendants had had two Verdicts for Common in the said Ground.

Nota.

Attornat. Regis  
ver. Sherfeild  
Arm.

Defacing of a  
Church-win-  
dow by colour  
of a Vestry-  
Order.

The Defendant being troubled in Conscience, and grieved with the sight of the Pictures, which were in a Glass-window in the Church of *St. Edmonds* in *New Sarum*, one of the said Pictures, to his Understanding being made to Represent God the Father, did procure an Order to be made by the Vestry, whereof himself was a Member, that that Window should be taken down, so as the Defendant did, at his own Charge, Glaze it again with White Glass ; and by colour of this Order the Defendant, without acquainting the Bishop or his Chancellor therewith, got himself into the Church, made the doors fast to him, and then with his Staff brake divers holes in the said Painted Window, wherein was described the Creation of the World : and for this Offence Committed with neglect of the Episcopal Authority from whom the Vestry derive their Authority, and by colour of an Order of the Vestry, who have no power to alter, or reform any of the Ornaments of the Church, the Defendant was Committed to the *Fleet* ; Fined 500*l.* and Ordered to repair to the Lord Bishop of his Diocese, and there make an acknowledgment of his Offence, and Contempt, before such persons as the Bishop would call unto him.

Attornat. Regis  
ver. Overman  
& al. Sope-  
boilers.  
Using Fish-  
Oyl in Sope-  
making.

Not suffering  
the Essay-Ma-  
ster to Try or  
Mark their  
Sope.

Unlawful  
Meetings to set  
Prizes on  
their Commo-  
dities.

The Defendants being Sope-Boilers of the City of *London*, did, contrary to His Majesties Proclamation, use divers great quantities of Fish-Oyl in making their Sope, and four of them also used Spike-Oyl in the making thereof, to qualifie the sent of the Fish-Oyl ; His Majesty by that Proclamation having Prohibited the use of any other Oyl than Olive, and Rape-Oyl to make Sope withal, so as it might be sweet and more serviceable : and the Defendants *Griffin*, *Cox*, and *Revel*, in farther Contempt of His Majesties Proclamation, and in Contempt and Opposition of His Majesties Letters Patents granted to the New Corporation of Sopers of *Westminster* ; and by the Instigation and Encouragement of the Defendant *Whitwell*, refused to suffer the Essay-Master for Sope to Try or Mark their Sope, although His Majesty by His Proclamation Commanded the doing thereof, and that none should be sold until it were Marked and Tried : and albeit the Defendants were no Corporation, Body, or Fellowship by any Lawful Authority, yet the Defendants *Overman*, *Baker*, and *Troughton*, with others, did, at several times, and at several Taverns in *London*, assemble themselves together, and Confer about the Sale of their Sope, and buying of Fish-Oyl of the *Greenland-Company*, and did there conclude, and agree not to sell their second best Sope under 54*s.* a Barrel, and did after sell it at greater Rates, and did buy six hundred Tun of Fish-Oyl not long after to use in making their Sope : and for these Offences they were all Committed to the *Fleet*, during His Majesties pleasure : *Griffin* Fined 1500*l.* *Overman* the Elder and *Whitwell* 1000*l.* apiece, *Baker*, *Troughton*,



*Troughton, Cox and Revel* one thousand Marks apiece, *Hardwick, Overman junior, Barefoot, Hayes, Hynde, Washer, Barber, Weedon and Monck* 500 l. apiece; and all of them disabled by themselves, or their Workmen, Servants, Agents, or any other to Use, or Exercise their Trade of Sope-Boiling at any time hereafter.

*Pal. & Car.*

Disabled to use their Trade.

The Plaintiff being put into the possession of the Mannour-House of *Lea* with other Lands thereto belonging, by vertue of a Commission out of the Court of Exchequer, being extended for a Debt of 365 l. due to his Majesty, the said Mannour and Lands being granted to the Plaintiff by Letters Patents, at a certain Rent, for so long time as the same shall remain in his Majesties hands, by reason of the said Debt. The Defendants *Houghton, Barton, and Dawson*, with others, to the number of about 60. came and entred into part of the said House, and being charged and required by the Plaintiff to depart, and suffer him quietly to enjoy the Possession; the Defendants *Dawson and Barton* said, they were sent thither by their Master *Sir Richard Houghton*, and they would be there; and then divers of the Company in a terrifying manner gave out threatening speeches against the Plaintiff, and the Commissioners that put him in Possession. And the Defendant *Houghton*, making shew of Compounding with the Plaintiff for the said Debt, drew the Commissioners out of the House, and then the Doors and Gates were locked up by the Riotous Assembly, and the Plaintiff and his Company kept as Prisoners without Fire, or Candle. And for this Riotous Assembly, and disturbing the Plaintiffs Possession, in opposition and contempt of the said Commission, the said three Defendants were committed to the *Fleet*, *Houghton* fined 100 l. the other two 50 l. apiece.

*Wren Armig. versus Houghton Armig. & al.*

Riotous disturbance of a Possession.

The Defendant *Thomas Ogle* Esquire, being discontented at the Plaintiff, and having an intention to wound and mischief him, went with the other Defendants to several places to enquire for the Plaintiff, and being told which way he was gone, and where he would Dine that day, they went to meet him, and found him walking with one only in his Company, and without any Weapons; and after some speeches had passed between them, *Ogle* told the Plaintiff he *Lied*, and *Lied in his Throat*; and the Plaintiff thereupon hitting him in the face with his Gloves, *Thomas Ogle*, Arm'd with a Dagger, Sword, and Pistol, and having a Riding Rod in his hand, struck the Plaintiff therewith over the face; and then he, the other Defendants, and others drew their Swords, assaulted, and wounded the Plaintiff in the head, and cut him through the *Pericranium*, and Scul, so that three or four pieces of the Scul were taken out; and he was a year and half before he was perfectly Cured. And for this the three *Ogles* were committed to the *Fleet*, fined 500 l. apiece, bound to their good Behaviours two years, and acknowledge their offences, and ask the Plaintiff forgiveness in this Court, and pay the Plaintiff 1500 l. damage.

*Wingfield Mil. versus Ogle Armig. & al.*

Riotous assault and wounding the Plaintiff.

1500 l. damag.

The Defendant upon the Hearing, being for matters Civil and Criminal, was ordered to pay unto the Plaintiff 31 l. 4 s. which was due from one *Homes* to *John Turney*, late *Felo de se*, upon a Bond of 60 l. for that he having possessed himself of the said Bond, had received 24 s. Interest thereupon, and after delivered up the Bond to be Cancelled, and taken a new Bond for the Debt in his own Name: And time was given him to shew

*Eleemosynarius Regis versus Turney.*

shew cause, why he should not also satisfy the Plaintiff other Debts also, which he confesseth he did owe the *Felo de se*; but saith, and proves not, he surrendred Lands to him to satisfy those Debts in his Lifetime.

*Barker versus  
Hamond & al.*

Riot.

20 l. damage.

*Dunne versus  
Rea & al.*  
Riotous tak-  
ing a Posses-  
sion.

Oppression by  
Arrests in  
other mens  
names with-  
out their  
privity.

Disturbing  
and driving  
away the  
Kings Witnes-  
at a Quarter-  
Sessions.

The Defendants *Hamond* and *Detton*, in contempt of an Order of the Court of Wards, came into the Field where the Plaintiff had Corn cut, and ready to be carried, and being Armed, *Hamond* with a Bill, and *Detton* with a Sword and Pitch-fork, and being accompanied also with one *Mysey*, armed with a Sword and Pistol, gave out that the Plaintiff should fetch no Corn there, and as the Plaintiff was coming to fetch some of the Corn, *Mysey* standing at the Gate where he was to come in, and *Hamond* and *Detton* being within the Ground, told the Plaintiff he should fetch no Corn thence, and *Mysey* swore, if he came in, he would shoot him with his Pistoll, the Cock whereof he pulled up, and presented it to the Plaintiff. And the Plaintiff coming another time to fetch some of the Corn, being cut by *Hamond's* Servants, *Hamond* beat the Oxen with a Pitch-fork, and wounded them so, as the Plaintiff could have none of the Corn. And for this, *Hamond* and *Detton* were committed to the *Fleet*, fined 40 l. apiece, and 20 l. Damages to the Plaintiff.

Two of the Defendants, on behalf of the Defendant *Watmore*, entred into a House wherein two of the Plaintiff's Children were keeping the Possession, and then Riotously with Weapons, having first Lock'd up the Doors, kept the Possession from the Plaintiff, and resisted them that offered to come in for the Plaintiff, saying, *None should come in but upon the sharp*: And then *Whitfield*, another of the Defendants, came to the House armed, and his entrance being withstood by the Plaintiff's Wife, he shouted, and thereupon the other Defendants came presently to him: And upon their coming, *Jo. Rea*, being a Constable, bid the other Defendants take the Plaintiff's Wife from the Door, or knock her down; whereupon they rushed her from the door, and *Whitfield* got into the House to help keep the possession: And *Jo. Rea*, to oppress the Plaintiff, procured him to be Arrested in an Action of 100 l. and kept in Prison three nights, at the Suit of one *West*, but without his privity or allowance; and when the Plaintiff had given Bail to that Action, he caused him to be again Arrested in another Action of 100 l. at *West's* Suit without his privity or allowance, and then gave out, that he had several other Writs to charge him withal, which he would lay upon him as soon as he was enlarged, if he would not yield to such Articles as the said *Rea* would propose; which were, that he should release several Bonds, and all the persons that had forcibly taken his Possession, and give security to pay *William West* such Money as he should demand of him. And *John Rea*, at such time as *Nathanael Dunne* was giving evidence against him, at a Quarter-Sessions, upon an Indictment for the King, did interrupt him, pinched him backward, and struck him on the Arm with his hand, and thereby enforced him to go away without giving Evidence. And for these offences the Defendants were all committed to the *Fleet*, bound to their good Behaviours; *Jo. Rea* fined 200 l. four others 40 l. apiece, and two more 20 l. apiece.



The Defendant, bearing malice to the Plaintiff, procured a Libellous and Scolding Letter to be written to the Plaintiff, and then to be written over by a Scrivener's Boy, and sent him by a Porter, the Letter being subscribed *Joan Tell-Troth*; and published this Letter in several Taverns and Ale-houses, and to several persons in disgrace of the Plaintiff, whom in the Letter she often termed *Scoggin*, with other disgraceful Names, and the Plaintiffs Wife *Jezabel*, and *the Daughter of Lucifer*, with other Invective terms; and also caused another like Scandalous and Invective Letter, subscribed *Tom Tell-Troth*, to be written, and sent to the Plaintiff. And therefore she was committed, fined 40 *l.* bound to her good Behaviour, to be Duck'd in a Cucking-stool at *Holborn-Dike*, make an acknowledgment of her offence at the Vetry, and pay the Plaintiff 20 *l.* damage.

The Defendants, being Armed, made several Riotous Entries into the Plaintiffs House and Land, and forcibly disturbed and detained his peaceable Possession thereof, after he was restored thereunto by the Justices of the Peace. And for the same they were all committed to the Fleet; *Richard Turner* fined 50 *l.* and two others the like Fine, and seven others 20 *l.* apiece; and five of them to be bound to their good Behaviours, before the Justices of Assize, by the space of a year.

All these Defendants were formerly Indicted at a Quarter-Sessions, for the same forcible detaining of the Possession, and upon their Travers fined for the same.

### Trim. 9 Car.

It did appear by Circumstances (but no direct proof) that the Defendant *Richard Littlehales* Senior, and *Richard Littlehales*, alias, *Bristoe* were guilty of unlawful Hunting, and killing of the Plaintiffs Deer. And therefore they were committed to the Fleet, fined 100 *l.* apiece; bound to their good Behaviour, and pay the Plaintiff 40 *l.* apiece damages.

The Defendants being charged with several offences touching the taking and receiving the Tolls and other profits of the several Fairs and Markets kept in the said Town, which they claimed as belonging to them, as Burgers there, and which the Plaintiff claimed to belong to her as Lady of the Mannour. The matter was referred to the Award of the Earl of *Manchester*, Lord Privy-Seal, the Earl of *Bridgewater*, Mr. *Noy* the Kings Attorney, and Sir *John Banks* Knight the Province Attorney, who certified the Court, That the said Town of *Woxbridge* was no Corporation; and that neither the Defendants, nor any other of the Burgagers of that Town ever had any right to any the Tolls, Liberties or Franchises within the said Burrough, but by the permission of the Plaintiff, or former Lords and Ladies of the said Burrough for the time being: And that the Plaintiff is seized of the Mannour of *Colham*, and of the Burrough and Town of *Woxbridge*, as a Member thereof; and of the Fairs, Markets, Tolls, and other profits incident, or belonging to the said Fairs and Markets; and that the Choice of the Bailiffs there

Pas. 9 Car.

Webster *versus* Lucas.  
Libellous Letters.

20 *l.* damage.

Stephenfon *versus* Turner & al.  
Forcible Entry, and detaining a Possession.

Nota.

Briggs *Armig. versus* Littlehales & al.  
Riotous killing the Plaintiffs Deer.  
80 *l.* damage.

Darby Countess Dowager *versus* Baker & al.  
Inhabitants of Woxbridge in Com. Mid.

An Award touching Woxbridge.

doth belong to the Plaintiff, who may remove them at her pleasure. All which the Defendants acknowledged, and promised obedience for the future. And therefore the Committee held fitting the Defendants should pay the Plaintiff 200 *l.* in recompence for the Tolls, and other Profits by them received, and for her Costs of Suit, and so the Bill to be dismissed hence; which this Court Decreed to be performed *ut per Cur.* and the Defendants to pay a Fine of 20 *l.* to the King *pro Licentia Concordandi.*

*Attorn. Regis  
ore tenus versus  
Reignolds.*

Scandal of the  
Lord Bishop  
of Chester.

The Defendant framed, and wrote a witlefs, and malicious, Libellous Letter, directed to Mr. *Brooks*, a Proctor, at *York*, and *Thomas Squire*, a Clerk in the Office of Consistory at *York*, or to either of them, wherein was contained, *That the Bishop is so strong, that if Bribery will be taken, you must lie all along, (because the Bishop shifts Warrants at every door)* meaning thereby the Bishop of *Chester*; and sent that Letter to them to *York* by one *Markland*, and *Markland* delivered it to one *Leigh*, who brake it open. And for this malicious Libel the Defendant was committed to the *Fleet*; fined 500 *l.* and be set on the Pillory at *Wigan, Lancaster-Affizes*, at the City of *Chester*, with a Paper on his head, Inscribed with words declaring the nature of his offence, and at each place publicly, and penitently acknowledge his offence, and Scandal of the Bishop in such manner as it should be penn'd, and delivered unto him.

Bulkly *Arm.*  
*versus* Bishop  
& al.  
Pulling up the  
Pump, or Sluce  
of a Fish-  
Pond.

The Defendant *Rowley*, in *March 6 Car.* despitefully and maliciously took away the upper part or Cap of the Pump or Sluce of the Plaintiff's Fish-pond, and threw the same into the Pond, and thereby a great part of the water of the Fish-pond did run out, whereby the Fish therein might (as the Court conceived) have come to have been utterly spoiled, and destroyed. And therefore the Defendant was committed to the *Fleet*, and fined 100 *l.* to his Majesties use.

*Attorn. Regis  
per Rel. Kent  
Mayor of Lin-  
coln versus  
Fowkes Gent.*  
Contempt of  
Proclamation  
and Orders.

Refusing to  
furnish the  
Market with  
Corn in a  
time of Want.

The Defendant, in contempt of his Majesties Proclamation, and Book of Orders, whereof he had notice, and in contempt of several Orders made by the Relator, then Mayor of *Lincoln*, and other the Justices there to restrain him from selling any Corn, or Mault out of the Market, or in any other Market than *Lincoln*, and to injoyn him to bring both Mault and Corn weekly into the Market, and to sell it as the Market would afford, he having then 400 Quarters of old Mault in store, and 300 Quarters of Barly, which he bought out of the Market-standing: and also to prohibit him from Mauling any more at that time, did not bring above six Strikes of Barley into the Market from *October* the sixth until *August* following; but did buy several Quantities of Barley himself out of the Market, as it was coming to the Market, and Maulted above 200 Quarters, and continued Mauling from *October* the sixth till *Whitsontide* following; yet in all that time did not sell above twenty Quarters of Mault in the said Market of *Lincoln*; but many times sent Mault to the Market by his Servant, and set so great a Price upon it, that he sometimes carried it away unsold, and refused 36 *s.* and 38 *s.* a Quarter; and being asked, Why he would not sell at the Market-price? He said, The Mayor and Justices had enjoyned him to bring his Corn to the Market, but they should not, nor could not set a price on it; but he sold twenty Quarters of Mault at *Newark-Market* to a Common Badger, and



and several Quarters of Malt out of the Market to Ale-house-keepers, and other Customers weekly. And for these Contempts, and breach of the Proclamation and Orders aforesaid he was committed to the *Fleet*, fined 1000 *l.* and to acknowledge his offences before the Justices of Assize, Mayor, Magistrates, and Justices at the Assizes to be held for the City of *Lincoln*; and the like acknowledgment at the Assizes to be held for the County of *Lincoln*, and 200 *l.* damage to the Relator for prosecuting this Cause, and defending another vexatious Cause prosecuted here against him by the said *Fowkes*.

The Defendant, out of malice to the Plaintiff, for that the Plaintiff would not let him hold certain Lands, which the Plaintiff had in Farm, pretended that he had lost two Sheep, and that the Plaintiff had shorn them among his Sheep, and marked them with his Mark; and to be revenged on the Plaintiff, he preferred an Indictment of Trespass against him at the Quarter-Sessions, at *Tenterden*, for taking away his Sheep, and Wool; and in the Afternoon of the same day, at the same Sessions, he preferred another Indictment of Felony to the Grand Inquest against the Plaintiff for stealing two of his Weathers, Price 20 *s.* and 16 pounds of Wooll, Price 16 *s.* of the said Defendants Goods; and did there give Evidence, that the Plaintiff had shorn five of his Sheep, and marked them with the Plaintiffs own Mark: That three of the Sheep came home again; and that the Plaintiff kept, and conveyed away the other two, and the Wool; Yet upon this Indictment the Inquest returned *Ignoramus*. And in *December* following, as the Plaintiff, being one of the Jurats of *Tenterden*, was sitting at the Bench with the Mayor and Jurats, the Defendant publicly charged, and accused the Plaintiff of Felony, for stealing his Sheep, and Wool, and pressed the Mayor and Jurats, either to commit him, or bind him over to the next Sessions to answer the Felony: And thereupon the Defendant having put his Accusation in Writing, and set his hand to it, the Defendant was bound over to answer it at the Sessions, and there the Defendant preferred the like Indictment, and gave the like Evidence as before; and brought three Fleeces of Wooll, which he pretended were stolen by the Plaintiff, and sent home again unto him, into the Court, and shewed them to the Mayor, Jurats, and Grand Inquest, and then laid them on the Bank before the Sessions-Door, the more to Traduce the Plaintiff; yet the Inquest then returned *Ignoramus*. And in farther disgrace of the Plaintiff, the Defendant afterward hung some Wooll upon a Tree near the High-way, before the Plaintiffs Dwelling-house in *Tenterden*, Tied about with a Rope or Halter, and fastned to the Tree, as if it had been Wooll stolen by the Plaintiff. And the Defendant in scoffing manner told one of the Neighbours, that he heard the Plaintiff had a Tree that bare Wooll, and wished he had a Graft of that Tree, and that the Plaintiff could not choose but be rich having such a Tree; and told another Neighbour, that there was a Tree before his Friend sheep-stealers House that bare Wooll, and wished him to get him a Graft. And the Defendant framed another Libel against the Plaintiff, containing, *Free-gift Stace, beware of Sheep, for he did take, drive away, and shear the Wooll, steal, and bear it away in the year 1628.* and this Libel he fixed to a Turn-pike in the Foot-way between the Plaintiffs House, and his Parish-Church, where it was found by a Neighbour. And the Defendant reported that he would have a standing made to sell Wooll upon *Tenterden-Fair-day*, before the

Tri. 9 Car.

Buying and  
selling Corn  
out of the  
Market.  
Making con-  
trary to Di-  
rection and  
Order of the  
Justices.  
200 *l.* damage.

Stace *versus*  
Walker.

Practice to  
defame the  
Plaintiff by  
accusing and  
Indicting him  
for stealing  
Sheep and  
Wooll.

Libellous  
hanging Wooll  
on a Tree  
with a Halter  
before the  
Plaintiffs door.

Libel.

Plaintiffs Dwelling-house, and went to borrow Boards for that purpose, and offered one money to sell Wooll there, being about half a Mile from the place where the Fair was usually kept : and in farther pursuance of the Defendants malicious intention to defame the Plaintiff, he caused two other Bills of Indictment to be preferred against the Plaintiff for the same Felonies, at a Sessions held at *Canterbury* twenty Miles off, and there gave the like Evidence as before ; and thereupon, in the absence of the Plaintiff, the Inquest returned on both Bills, *Billa vera* ; and the Plaintiff being at the next Sessions Tried thereupon, was, notwithstanding the false and malicious Evidence then given against him by the Defendant, and others, acquitted : and for these Offences the Defendat was Committed to the *Fleet*, during life, Fined 1000 *l.* be set on the Pillory at *Tenterden* before the Plaintiffs door, and at *Canterbury* at the Sessions with a Paper on his head declaring his Offence, and at each place acknowledge his Offence, and have an Ear cut off : to be tied to the Tree where he hanged the Wooll a whole day, with the Wooll about his Neck ; be set in the Pillory at *Maidstone* with the like Paper on his head, and there acknowledge his Offence, and pay the Plaintiff five hundred Marks damage.

Five hundred  
Marks da-  
mage.

*Orders Decreed upon the Motion of His Majesties Attorney General touching Sope, and Sope-Boilers, ut sequitur.*

*Attornat. Regis  
versus Sope-  
boilers.*

I. **T**HAT the Governour, Assistants, and Society of the New Corporation of Sopers of *Westminster*, shall use all diligence to prosecute their Undertakings with His Majesty for Establishing that Work, wherein this Court will give Assistance from time to time.

II. That that Company shall the last day of every *Michaelmas* and *Easter-Term*, and oftner if it shall be required, make true Certificate into this Court, under the Hands of the Governour and Essay-Master, and two of the Assistants at the least, of the goodness of their Sope, and whether the Standard be duly renewed, and the Sope made according to the goodness of that Standard.

III. That the Essay-Master do diligently attend, and justly and faithfully Search, and Mark all Sope, which shall deserve to be so Marked, and refuse to Mark all such Sope as shall be defective in sweetness or goodness, and not answerable to the Standard ; and that no Sope-maker whatsoever put any Sope to Sale, which is not so Marked, and of like goodness with the Standard. Nevertheless, if hereafter it appear to the Court, that for inferior uses, or other uses than Washing of Linnen, there be cause to make Sope of less goodness and sweetness, and of a lower price, this Court will so Order the making and uttering thereof so, as that it shall not be an Evasion for the making and uttering of Sope contrary to the meaning of His Majesty and this Court, and to the abuse of the Subject.

IV. That no soft Sope be hereafter uttered or sold by any Sope-maker, their Factors, Workmen, or Servant, for above 3 *l.* 4 *s.* the Barrel, which is 3 *d.* per Pound, under penalty of being punished in this Court,



Court, for an oppressour of the Kings Subjects. Nevertheless the Court reserves power to increase the Price hereafter, if the Price of Materials increase. Tri. 9 Car.

V. That no person or persons, who on the 22. of *November* last did not use the Trade of Sope-making or Sope-boiling for themselves, nor any person or persons, who by reason of their Profession or Apprenticelikehood are capable of using their Trade, shall continue, or set up the said Trade directly, or indirectly, till this Court shall (upon examination of the true state of each particular mans Case, that desires, or intends to set up such Trade) receive satisfaction of the justness of his pretences to use that Trade; of the conveniency and fitness of the place where he intends to use and exercise the same; and that he doth not colourably pretend to use that Trade for himself, and his own use, when in substance he useth it for the benefit of the Sope-boilers, disabled by this Court; and this to continue until this Court give further Order to the contrary.

VI. The Servants and Workmen of the Sope-boilers disabled, recommended to the Governour and Company of New Sope-boilers to Employ them in their Works, in some convenient manner for their Livelyhood, else this Court will take a fit course for them.

VII. That the Essay-Master and Searchers, and their Deputies shall, from time to time, Execute their Offices, and that with a Constable, when they think fit to require it, by going into the Houses, Work-Houses, or Cellars of those, who shall be Makers of Sope, to search for all Sopes made, and for Oyls and other Materials provided for making Sope; and to Essay the Sopes, Oyls and other Materials; and that none oppose, hinder or delay such Search to be made, and Essay taken.

VIII. That the New Company of Sopers do erect, and continue their Work-houses for Sope-making, in, or within one Mile of the City of *London* and *Westminster*, and no other Sope-boiler to erect any other Work-house, or place for making or boiling of Sope, but within *London*, *Westminster* or *Bristol*, or within one Mile of those Cities; or in such other place or places, as this Court shall upon other good Reasons first approve of and allow: and the Governour, Essay-Master, or New Company of Sopers to have notice where their Work-houses are, or shall be erected, before they use the Trade there.

IX. That all Sope-boilers and Sope-makers, not being of the New Company, shall be under the Survey, Rule, Order and Government of the said Company and Officers thereof; so far forth only as concerns the Trade and true making of Sope, and not otherwise, or to any other purpose, without their own free consents thereto:

X. That the Governour, Assistants, and Fellows of the New Society of Sope-makers, shall henceforth, from time to time, take care, that there shall be and continue of the said Society thirty persons at the least.

XI. And

XI. And Lastly, That if any person shall Offend against any thing therein Contained, Ordered, and Decreed; every such person shall incur and undergo such Imprisonment, and other punishment, as this Court shall hold fit, and inflict for the same.

*Mich. 9 Car.*

*Attornit. Regis  
ore tenus ver.  
Sandford Am.  
& al.  
Transporting  
of Wooll cont.  
Procl.*

*Deceiving the  
King of His  
Customs,  
Transporting  
Goods Un-  
cocketted.*

*Attornit. Regis  
versus COX  
Transporting  
Fullers Earth.*

*Robinson Am.  
ver. Stafford  
Am. & al.*

*Beating a  
Gentleman  
with a Horse-  
Whip; and  
inticing him  
to an Inn for  
that end, un-  
der pretence  
of Business.*

*Five hundred  
pound da-  
mage.*

THE Defendants *Sandford* and *Hills* being Partners, caused seven-  
teen Packs of Wooll to be sent Over-Sea to *Diep*, and there sold  
by the Defendant *Webb*, who was sent over to *Diep* for that purpose;  
and all these several parcels of Wooll were Shipped and carried away,  
part by the Defendant *Rowland*, and part by *Shipwright*, and was laden  
in the Night-time, at an unusual place, from a Marsh-house of the De-  
fendant *Sandfords*, and carried over Uncustomed and Uncocketted, and  
there sold by the Defendant *Webb*; and for these Offences, Contempts  
to His Majesties Proclamation Prohibiting the Transportation of Wooll,  
and deceits of His Majesty in his Customs, carrying it away Uncocket-  
ted, and Lading it at an unusual place; they were all Committed to  
the Fleet; *Sandford* and *Hills* Fined 400 *l.* apiece for Transporting Wooll,  
400 *l.* apiece for deceiving the King of His Customs, and 400 *l.* apiece  
for sending away their Goods Uncocketted: and Mr. *Sandford* to be bound  
with Sureties, that no Commodities should thereafter be Laden or Shiped  
from the said Marsh-house: *Webb* for being aiding, privy or consenting  
thereunto, Fined five hundred Marks; and *Rowland* and *Shipwright* for  
carrying away the Wooll in their Barks Uncustomed, and Uncocketted,  
and Lading it at an unusual time and place, Fined 200 *l.* apiece, and  
bound with Sureties never to Offend so again.

*Stafford* bearing malice to the Plaintiff, vowed revenge, and to give  
him a Knock when he met him; acquainted Dr. *Scott* with the dif-  
ference, and his determination, and *Scott* knowing that Mr. *Stafford*  
would be at the Bull in *Stamford* the fith of *September*, sent for the  
Plaintiff to meet him the said Dr. *Scott* there that day, upon pretence of  
business: and at his coming thither they went, and late together in a  
Room, and the Defendant *Nanton* came to him; and at length Mr. *Stafford*  
came to the said Inn, and inquired for the Doctor, and being told that  
the Doctor and the Plaintiff were above together; *Stafford* said the  
Plaintiff was a Rascal Rogue, and so went up the Stairs to them, and at  
his coming whiped the Plaintiff with a Horse-Whip before he could rise,  
and then with the great end of his Whip, having an Ivory-handle, strook  
the Plaintiff seven or eight blows on the Head, and brake his Head in  
divers places, and then offered to draw his Sword, but was prevented  
by *Nanton*, who was sent thither by *Stafford* to keep them Company  
till he came, and from that time *Scott* neglected the Plaintiff, and never  
offered to visit him, whilst his Hurts were dressing: and for this the  
Defendants were all Committed to the Fleet: *Stafford* Fined 1000 *l.*  
*Scott* 500 *l.* and *Nanton* 100 *l.* *Stafford* to pay the Plaintiff 500 *l.* da-  
mages, and at *Northampton-Affizes* publickly acknowledged his Offence,  
and ask the Plaintiff forgiveness, the Judges and Justices sitting.

The



The Defendant *Bent* being *Feodarie* of *Leicesfershire*, and an Office being to be found within that County; the Heirs Evidence was by his means rejected, and not allowed to be taken; so that an *Ignoramus* was then found, and after the Heir was forced to attend four several times, at several places, about the finding of an Office, but no Office could be found, until the Heir being advised to give the Defendant 10 *l.* to let the Office go fairly on; one of his Friends offered him 5 *l.* for that purpose, but the Defendant would not, unless he would give one *Fawlkner*, his late servant 10 *l.* which 10 *l.* was afterward paid to the Defendant, and as he appointed (but all for his use) although part was paid to one *Alsop* as for Charges: and after all the mony paid, the Heirs Lands were found to be held in Socage. And another Office being to be found after the death of the Lord *Beaumont*; the Defendant was promised 20 *l.* to suffer an Office to pass, and for his Fees and Pains thereabout; 10 *l.* whereof he received, and threatned to take a Course in Law for the other 10 *l.* if it were not paid: and the Defendant took 18 *l.* to free one *Clark*, His Majesties Ward, both of his Wardship, and all trouble thereabout: and after the death of one *Sacheverell*, an Office was found by the Defendants Privy and Consent, that all the Lands whereof he died seised were held in Socage, and for that Office the Defendant demanded 40 *s.* as a due Fee, and was paid it: yet afterward the Defendant, without giving any notice to the Heir, found another Office; that *Sacheverell* died seised of Lands held by *Knights* service (another man being in truth Seised thereof to his own use, at *Sacheverells* death) and then the Defendant corruptly offered to deliver up that Office to the Heir, if he would give him 100 *l.* and twenty Marks for Charges: and for these Extortions and Fishing for a Bribe, the Defendant was Committed to the *Fleet*; Fined 1000 *l.* and disabled to Execute his Place or Office of *Feodarie*.

The Defendant being *Feodarie*; upon the finding of an Office after the death of one *Mitchell*, did take, by way of agreement before hand made, 8 *l.* for his favour therein, besides 6 *l.* for Charges, and so by the Office found by the Defendants sufferance, the Lands were found to be held in Socage: and upon finding an Office after the death of one *Feare*, the Defendant fished for a Bribe of one hundred Marks to free the Heir from being Ward; and after the Lands were found to be held in free Socage, and the Defendant took 3 *l.* for his and the Escheators Fees, and a Bond to pay twenty Marks to one *Alsop* (but in truth for the Defendants use) and after the death of one *Wakelin* an Office was found, that he died Seised of Lands held in *Capite*, and his Son under Age (his Son being in truth twenty two years Old) and his Wife Joint-purchaser with him: and the Defendant being told that he was twenty two, delivered up that Office, but told him it cost mony, and by that means got 40 *s.* from the said *Wakelins* Son. And after the death of one *Armeston*, an Office was found, that the Lands whereof he died seised were held in Socage of the Earl of *Stamford*, and 40 *s.* was tendered to *Bent*, and he, being not therewith contented, had 3 *l.* given him: and yet afterward upon his own Evidence, without giving notice to the other side to attend the Defendant, procured another Office to be found, that *Armeston* died seised of some Lands held by *Knights* service, one of the Jury being gon, and neither the Sheriff, nor Under-Sheriff there.

And

Mi. 9 Car.

Read Gen. ver.  
Bent Gen.Extortions in  
a *Feodarie*.Attornat. Regis  
ver. Bent Gen.Extortions  
and Oppressi-  
ons by colour  
of his Office  
of *Feodarie*.



An Office delivered up to the Party, when a Tenure was found for the King.

Bernard *versus* Stafferton Gent. & al.

Practice to get the Plaintiff out of Possession by a Suit Commenced, Arrest and Judgment entered by consent, without the Plaintiffs privacy.

100*l.* damage.

Attor. Regis *versus* Bowyer.

Slander of the Archbishop of Canterbury.

And an Office being to be found after the death of one *Reade*, the Heirs Witnesses attended at the day, and place appointed, but the Defendant told them they needed not to attend, for nothing would that day be done; and thereupon, and upon notice given them that the Jury was discharged, they went out of Town, and when they were gone, the Defendant upon his own Evidence, and without any Evidence on *Read's* part, and about Sun-set that day, found an Office, that *Read* died seized of some Land *in Capite*, and upon this surreptitious Office, Process Issued out of the Court of Wards, and *Reade* the Son was Arrested for 127*l.* mean Rates, when as in truth *Read* the Son was seized of those Lands before, and at the death of his Father, and not *Read* the Father. And for these offences he was committed, fined 1000*l.* and disabled ever to execute the Office of Feodarie, Coroner, or Escheator of any County.

The Plaintiff being seized in Fee, according to the Mannour of *Hall-Place* in the County of *Southampton* of a Messuage called *Hornes*, and of certain Lands and Closes there; the Defendant *Stafferton*, being Lord of the Mannour, pretended Title thereunto, supposing it was Escheated; and the Defendant *Greenway* also pretended Title thereunto in right of his Wife: And thereupon the Plaintiff to clear his Title commenced a Suit in *Chancery* against them both, which coming to Hearing, a speedy Trial at Law was directed, and the Plaintiff to keep the Possession till *Greenway* recovered it by Law. Then the two Defendants combine together, and resolve of a course to overthrow the Plaintiff's Title, but not *Greenway's*, and to turn the Plaintiff out of possession, which they thus effected: *Stafferton*, by *Greenway's* consent, made a Lease to one *Stone* to try the Title upon a supposed Escheat, and *Greenway* by like consent then enters, and becomes the Ejector, to the end a Suit might be brought privately, and the Plaintiff never know of it: *Greenway*, before the Lease sealed, procured a Writ against himself, as the next Ejector, got himself Arrested thereupon in *Stafferton's* presence, and *Stafferton*, being Plaintiff in the Action, became his Bail: And upon his appearance, by like Agreement *Greenway* confessed a Judgment, and thereupon a Writ of Execution was Awarded, and the now Plaintiff's Tenant put out of Possession, and the Possession given to *Stafferton* and his Lessee; and *Stafferton* having by this indirect means gotten the Possession, he also possessed himself of the Plaintiff's Goods. And for this lewd practice they were both committed to the Fleet; *Stafferton* fined 1000 Marks, *Greenway* 200*l.* both bound to their good Behaviour during their lives; pay the Plaintiff 100*l.* damages: *Stafferton* to stand on a Stool at *Winchester* Assizes with a Paper on his Head declaring his offence, and there make an acknowledgment thereof, the Decree being read; and *Greenway* to be set in the Pillory at *Westminster* with the like Paper, and at *Winchester*, where he was also to be well whipp'd.

The Defendant, in scandal of the State, but especially of the now Lord Archbishop of *Canterbury*, did, as himself confesseth, falsely, and meerly by the Instigation of the Devil, say and affirm in *Reading*, That the Bishop of *Canterbury* was confined to *Fulham-House*; That he had twenty four of the Guard, twelve by Day, and twelve by night set to watch him; That his Confinement was for four Points of High Treason; which he affirmed to be these: 1. That the said Archbishop was an Arminian. 2. That he had



had sent Letters to the Pope. 3. That the Archbishop said the Midwife of the Virgin Mary was a Mediatrix to our Saviour. 4. That the Virgin Mary was no Humane Creature. And also affirmed, that he had seen four Letters written with the Archbishops own hand, which were to be sent to Rome, two to the Pope, and two to Cardinal Blunt, the substance whereof was, as he affirmed, *That the said Archbishop was ready to do for those at Rome was at was in his power; And that they should direct their Letters to the Queen of Englands Court; That the said Bishop would be an Agent for them to send Letters back again; That the Archbishop Preached a Sermon before the King in Scotland, that was fit to be preached before the Pope; and that he was reprov'd for the same in a Sermon Preached by Bishop Hambleton before his Majesty; That the Archbishop allowed 500 l. a year of his own Means to the Pope, and that 17000 l. a year was also allowed the Pope by his means.* And for this he was committed to Bridewel, there to be kept at Work, during his Life, and never suffered to go abroad, fined 3000 l. be set in the Pillory at Westminster, a Paper on his head declaring his offence, and there acknowledge, and confess the same; be set in the Pillory in Cheapside, with the like Paper, and there make the like submission and acknowledgment, and be burn'd in the Forehead with the Letters L. and R. and be set in the Pillory at Reading, with the like Paper, and both his Ears nailed thereto, and make the like submission and acknowledgment as before:

Mi. 9 Car.



A Commission being gone forth, directed to the Lord Viscount Wentworth, and others, to Compound with such as desired so to do, for their Contempts in not attending his Majesty at his Coronation, to have taken the Order of Knighthood, as they ought to have done; and the Lord Wentworth being made Collector or Receiver of the said Fines: The Defendant, Sir David Fowles, at such time as the Commissioners had summoned divers Gentlemen, dwelling near the Defendant, to attend them about their Composition for their Fines of Knighthood, endeavoured and practised what he could to oppose the Service, and to dissuade and divert men from Compounding; and to that end declared publicly his dislike and disaffection of, and to that Service, and encouraged divers to stand out and refuse to Compound. And farther to hinder the same he did, in Conference with divers Gentlemen thereabout, say, *That York-shire Gentlemen in times past had been accounted stout-spirited men, and would have stood for their Rights and Liberties, and were wont to be the worthiest of all other Shires; and that in former times other Shires did depend, and would direct all their great Actions by that County; but in these days York-shire-men were become degenerate, more Dastardly and more Cowardly than the men of other Counties, wanting their wonted Courage and Spirit: And then extoll'd and highly commended one Maleverer, for denying to compound with the Commissioners, saying, He was the wisest, and worthiest man in the Country, and that he was a brave Spirit, and true York-shire-man, and that none durst shew himself stoutly for the good of his Country but the said Maleverer, who was to be honoured therefore.* And farther to hinder that Service, alleaged, *That in other Shires the Fines advanced for Knighthood were not so high, as by these Commissioners in York-shire; and that many in Oxford and Buckingham Shires utterly refused to Compound; And he also blamed and reprov'd some who had Compounded, saying, They had thereby done themselves some wrong, and that the Country hereafter would be much troubled with such Impositions.* And

Attor. Regie  
versus Fowles  
Mil. & al.

Undutiful op-  
posing his Ma-  
jesties Com-  
missioners for  
Compounding  
for Fines for  
Knighthood.



Scandal of the  
Lord Went-  
worth, Lord  
Deputy of  
Ireland.

Scandal of his  
Majesties Ju-  
stice.

Contemptu-  
ous and Dero-  
gatory spee-  
ches against  
the Council at  
York, whereof  
himself was  
then a Mem-  
ber.

3000 l. dam.

the said Defendant, farther to beget and draw a general obedience in the People, and to draw a Scandal on the Lord *Wentworth*, and a disesteem of him in the hearts of the Gentry of that Country; the said Defendant said, *That Yorkshire-men did adore him, and were fearful to offend his Lordship, but at Court he was no more respected than an ordinary man; and that as soon as his back was turned for Ireland, his Place of Presidentship of the Council at York would be bestowed on another.* And Sir *David Fowles*, and the Defendant *Henry Fowles* did publicly, in the hearing of divers Knights and Gentlemen, falsely scandalize and wrong the Lord *Wentworth*, by saying, and taxing him to have received much Money for *Knighthood-Fines*, but had not paid the same to his Majesty, or to the Exchequer. And also, to the Scandal of his Majesties Justice, and of the Lord *Wentworth*, and to dishearten those that were to Compound, they reported and gave out, *That when the Lord Wentworth was gone into Ireland, all such as had paid their Fines to him (although they had his Lordships Acquittance for the same) yet they would, and should be forced to pay the same over again to his Majesties use.* The Defendant Sir *David* also publicly dissuaded Sir *Thomas Layton* from yielding obedience to his Majesties Letter served on him, to appear before the Lord President and Council at *York*, (the said Sir *David* being then himself one of the said sworn Council, and by his Oath bound to maintain and uphold the Honour, and Liberties thereof to his uttermost) and in scorn and contempt of that Court said, *It was but a Paper Court, and that the Lord President and Council had done more than they could justifie in sending for the said Sir Thomas Layton, for that he was then High Sheriff of the County; and that if he were in the Sheriffs Case he would not care a Dogs Turd for it.* And in farther disgrace of that Court said, *That the said Council had nothing to do with a Justice of Peace, and that the Office of a Justice of Peace was above the Council at York.* And for these offences Sir *David* was committed to the *Fleet*, during the King's pleasure, fined 5000 l. to acknowledge his offences in this Court, before the Council at *York*, and at the Assizes at *York*, and there the Decree to be read, made incapable to have or execute the place of a Counsellour at *York*, Deputy-Lieutenant, or Justice of Peace, and pay 3000 l. damage to the Lord Viscount *Wentworth*; and *Henry Fowles* was Committed to the *Fleet*, and fined 500 l.

Hillar. 9 Car.

Attorn. Regis  
ore tenus versus  
Moor Armig.  
Erecting new  
Buildings con-  
trary to Pro-  
clamation.

Continuing of  
Houses built  
contrary to  
King James  
his Proclama-  
tion.

THE Defendant, in contempt, and contrary to his late Majesties Proclamation about 13 *Jacobi*, built in the Parish of *St. Martins* in the Fields upon new Foundations seventeen Coach-houses, and thirteen Stables all of Timber, and continued the same to this day: And about the same time, in the same Parish he also new built seven other Houses, two were upon old Foundations in part, and the other five on new Foundations, and proceeded to finish them, though whilst they were in Building he was Inhibited by some of the Commissioners concerning Building, and these Houses he still continued standing, and let out to Tenants: And in his now Majesties time, and contrary to his Majesties Proclamation touching Buildings, the Defendant in the same Parish pulled down certain Work-houses, Coal-houses, and low Brick Buildings,



Buildings, and in the same place set up five new Dwelling Houses, whereof two were part upon old Foundations, the other three upon Back Buildings. And for this he was committed to the *Fleet*, fined 1000 *l.* and his said Buildings ordered to be demolished and pulled down to the ground, and he to cause it to be done by *Easter* next, or pay 1000 *l.* Fine more.

These were pulled down.

The Defendant, contrary to, and in Contempt of his Majesties Proclamation to restrain the setting up of new Buildings in, and about *London* and *Westminster*, did Erect and build a Houle in *Lincolns Inn-Fields*, by *Louches* Buildings, and then converted it into two Houses, part of them being upon a new Foundation, and part upon the House, or Yard of a Gun-Powder-House, which was set up 39 *Eliz.* and this he did by the sufferance of one of the Commillioners for Buildings, to whom the rest referred it. Yet for his contempt and offence therein he was committed to the *Fleet*, fined 200 *l.* and ordered to demolish those Houses by *Easter* next, or be fined 200 *l.* more.

Two of the *Ridleys* came armed to the Plaintiffs Barn-door, where his Threshers were at work; one of them being armed with a Sword, the other with a Pistol, and wished the Threshers to open the Door, which they refusing, *Ridley* the Son presented his Pistol at them, and sware he would shoot them if they would not open it, at last brake open the door, and entred with a Pistol and Sword drawn, and by force thrust the Threshers out of the Barn, and kept the possession all that day, till others came to them, and then one of them set a Lock on the door, and so all departed till the next morning, when they set Threshers at work to Thresh out all the Corn in that, and other Barns of the Relators, and which stood in Stack in the Yard, and carried together with a great Quantity of Hay, which lay in another Barn, unto *Ridley*, the Father's House. And at another time *Ridley* the Younger, with others of the Defendants Armed, entred into the Relators Tenants House forcibly at a Window, which they cut down, threatened to shoot and run them thorow that were in the House, and there they kept the possession thereof by force; and the Relator coming thither to gain his Possession, divers other Rioters Armed assembled to them, armed with Daggers and Swords; the Defendants also Riotously beat the Relators Tenant's Wife and Servant as they were Collecting of Tythes, and took the Tythes from them. And for this they were all committed, and bound to their good Behaviour, two fined 500 *l.* apiece, one 100 Marks, and six others 40 *l.* apiece.

The Defendant, being on Ship-board going beyond the Seas, wrote a scandalous Letter, full of provoking and disgraceful Language, to the Earl of *Northumberland*, who was then attending his Majesty into *Scotland*, and withal containing a Challenge, but appointed neither Time, nor Place, and this Letter he subscribed with his Name, sealed it up, and sent it to the Earl without making any one acquainted with the Contents thereof. And this Letter the Court Adjudged to be both a Libel, and a Challenge; and therefore the Defendant was committed to the *Tower*, during his Majesties pleasure, fined 5000 *l.* bound to his good Behaviour during life, if ever he be enlarged, and forejudged never to

Hill & Car.

Attorn. Regis  
one tenus versus  
Smith.

Buildings: con-  
trary to Pro-  
clamation.

This House  
was preserved

Attorn. Regis  
pro Rel. Aptley  
A. Regis versus  
Ridley & al.

Riot.

Damage and  
Possession left  
to the Court  
of Wards to  
order.

Attorn. Regis  
one tenus versus  
Aptley & al.  
Libellous Let-  
ter and Chal-  
lenge to the  
Earl of *North-  
umberland*.

come within the Verge of the King's Household, saving in the time of his now Imprisonment; disabled to have, or execute any Office, and to acknowledge his offence to his Majesty, and the Lords in this Court upon his Knees, and then ask his Majesty Pardon; and also to make such acknowledgment and submission to the Earl of *Northumberland* in the presence of the Earl-Marshal, and such others as his Lordship shall be pleased to call to him, and in such sort as the said Earl shall direct.

Attorn. Regis  
versus Hilly-  
ard & al.

Buying and  
selling of Salt-  
Peter contra-  
ry to his Ma-  
jesties Pro-  
clamation.

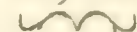
Contempt of  
the King's  
Commission-  
ers com-  
mand.  
Saltpeter-man  
exceeds his  
Commission  
in the abuse of  
the Country.  
Tampering  
with Witnes-  
ses to forswear  
themselves,  
and so not to  
be examined.

The Defendant *Hilliard* having obtained a Commission and Deputation from his Majesties Commissioners to enter by himself and his Servants, and to work for Saltpeter in all convenient places within certain Counties therein named, by which Commission it was provided, and he agreed, that he should deliver all the Saltpeter he got to his Majesties Powder-maker, for his Highness his service, and should not imbeazle, sell, or otherwise dispose of any part thereof to any person whatsoever, saving to his Majesties Powder-maker. And his Majesty by his Proclamation having also prohibited the making, buying, selling, or uttering any Saltpeter to, or for any other person, or use, than to his Highness his Powder-maker, for his Majesties use. The Defendant did set up several Works for Saltpeter in several Counties, where great Quantities were made, and contrary to his Majesties said Proclamation, and contrary to his said Deputation and Commission, the said *Hillyards* Wife, and his Servants, by his, and his Wive's direction and allowance, did sell divers great quantities of the Saltpeter gotten in his Majesties Works to several persons at 4 *l.* the hundred, and received Money for the same, part whereof the Defendant *Hugh Nichols* bought, contrary to his Majesties said Proclamation Dated in *April 1 Car.* And the Defendant *Hillyard* did not deliver in to his Majesties Powder-maker the full quantity, which he Covenanted to deliver, to his Majesties great prejudice, who was forced thereby to furnish himself from Foreign parts at greater Rates, and to the hazard of the State, it being in a time of War and danger. And his Majesties Commissioners taking notice of his abuses, sent Letters and a Command to the said *Hillyard*, not to work any longer for the making of Saltpeter, but at his peril to give over to put in execution any part of his Deputation; yet the Defendant set up several Works in several places, in contempt of their Command, and also set up a Work in a County, where his Commission did not extend to, and there took Carts to carry it, as for the King's Service, and yet sold it to others, and it never came to the King's Store-house. And whereas Witnesses were to be examined by Commission out of this Court against the said Defendants *Hillyard* and *Goodenough*, they perswaded a Witness to forswear himself, saying, *It was no offence to God to forswear himself to save his Friend*; and that *Goodenough* would prove it by Scripture; and *Goodenough* perswaded others not to appear at that Commission to be examined, although they were Precepted; and told one of the Plaintiff's Witnesses, *That a Friend to save a Friend, and a Kinsman to save a Kinsman might forswear himself, and that it was no offence to God so to do*, and by such like words and persuasions the Defendant *Hillyard* procured another material Witness of the Plaintiff's not to be examined against him, and they got divers others by Indirect means to set their Hands to a Note importing untrue Testimony. And for these offences *Hillyard* was committed during his Majesties pleasure, fined 5000 *l.* disabled ever to be a Saltpeter-man, bound to his good Behaviour, and set on the Pillory at



at *Westminster*, *Andover*, and *Chippingham*, with a Paper on his Head declaring his Offence, *Goodenough* Committed, bound to his Good Behaviour, Fined 1000 *l.* Set on the Pillory in the three places before-mentioned, with his Ears nailed, and a Paper on his Head declaring his Offence, and to be well whipped, and disabled ever to be a Witness: and *Nicholas* Committed, and Fined 200 *l.*

Hi. 9 Car.



The Defendant *Pryn* contrived, framed and wrote an Infamous, Scurrilous and Seditious Book and Libel, Intituled *Histrion-mastix*, *The Players Scourge and Actors Tragedy*; which indeed, as appeared upon Reading, several parts thereof contained divers and sundry Libelous and Scandalous Imputations, and Unchristian Censures of all sorts of His Majesties people, of both Sexs, of this Kingdom, the Magistrates, His Majesties Household, His Majesty and His Royal Consort, the Queen; which are of such nature as are not fit to be mentioned, and therein he doth cast Personal Aspersions on His Majesty and the Queen, taxes the Government, and endeavours to infuse so much Disobedience and Sedition into the hearts of His Majesties people, that he might justly have been dealt with as a Capital Offender. The Defendant *Buckner*, being Chaplain to the Late Lord Arch-Bishop of *Canterbury*, Licensed sixty four pages of this to be Printed, *Sparks* Printed them, and *Pryn* and *Sparks*, after the said Books were called in by Warrant from the Arch-Bishop, published divers of them: and for this *Pryn* was Committed during life, Fined 5000 *l.* expelled the House of Court whereof he was, Disbarred and Disabled ever to exercise his Profession of a Barrister, to be Degraded by the University of *Oxford* of his Degrees there taken; and then to be set on the Pillory at *Westminster* with a Paper on his Head declaring his Offence, and have one of his Ears cut off, after to be set on the Pillory in *Cheapside* with the like Paper, and have his other Ear cut off, and then the Books to be cast into a Fire there by the Hangman, to be burned, never to be seen by any, *Sparks* Committed, Fined 100 *l.* to stand on the Pillory in *Cheapside*, with the like Paper; *Buckner* Committed and Fined 50 *l.* *Pryns* Affidavit taken off of the File, and he recommended to the High-Commission-Court for farther punishment, for those parts of the Book, which Scandal the Church.

Attornat. Regis  
versus Pryn  
Arm. & al.  
Contriving,  
Licencing,  
Printing and  
Publishing a  
Libelous and  
Seditious  
Book.

Pasc. 10 Car.

THE Defendant *Hawks* with others his Partners (who were now Witnesses against him) made about 200 *l.* worth of Counterfeit Farthings, in Contempt of His Majesties Proclamation, and contrary to the Common Law, in deceit of His Majesties people, and prejudice of His Majesties Patentees, who are bound to a continual Rechange: and for this he was Committed to the *Fleet*; Fined 200 *l.* and set on the Pillory at *Westminster*, and in *Cheapside* with a Paper on his Head declaring the nature of his Offence; and the two Witnesses Ordered to be proceeded against by Mr. Attorney General, and after their Answer put in, to proceed to Hearing on their own Confessions in this Cause; and no man to pay above 2 *d.* in Farthings to any man, at any time; nor Buy any Farthings at any less Rate than they are usually vented by His Majesties

Crane Mil. ver.  
Hawks.  
Counterfeit-  
ing of Far-  
thing-Tokens.

Nota.

ties Patentees. If any offend in either of these kinds, this Court will severely punish it.

*Tritit. 10 Car.*

Reeve & al.  
ver. Gray.

Misdemeanor  
in Arresting  
one upon a  
Writ Sued  
forth against  
another of the  
same name.  
Fifty pound  
damage.

**T**HE Defendant *Gray* having a desire to gain the Inheritance of divers Lands, which the Plaintiff *Robert Reeve* had in Reversion, prepared a Deed to that purpose, and tendred to the Plaintiff to Bail, which he refusing, *Gray* caused him to be Arrested upon Suspicion of Felony for supposed Stealing of a Shirt, the Shirt being in truth the Plaintiffs own Shirt, and after procured the said *Reeve* to be Arrested upon an Attachment of Priviledg, at his the said *Grays* own Suit; that Attachment being in truth Sued forth against another man, an Esquire of the same name, who lived in that County: and for this indirect Course to get the Plaintiffs Reversion, the Defendant *Gray* was Committed to the Fleet; Fined 50 *l.* to the King, 50 *l.* damage to the Plaintiff, and disabled to practise as an Attorney in the Court of Common-Pleas henceforth.

*Mich. 10 Car.*

Vezey Arm.  
ver. Turner &  
al.

Maintenance  
and Prosecut-  
ing Suits in  
other mens  
names.

Practice by  
Copyhold  
Tenants and  
stirring up of  
Suits against  
the Lord of  
the Mannor.

Three hun-  
dred pound  
damage.

**T**urner and *Eldred*, being Customary Tenants to the Plaintiff, did unlawfully stir up divers Vexatious Suits against the Plaintiff being Lord of the Mannor, and to whom they owed Suit and Service: and *Eldred* prosecuted as an Attorney, several Suits against the Plaintiff in other mens names without their Warrant, and *Turner* did unlawfully maintain and bear the Charge of seven several Actions brought against the Plaintiff in other mens names. And the Defendants *Eldred* and *Turner* upon Trial of an Action against the Plaintiff, Unlawfully Tampered with the Jury; *Eldred* in the beginning of the Assizes desiring one of the Jury to appear, and telling him the Issue was concerning the Reasonableness or Unreasonableness of a Fine of a Lord of a Mannor, and that it was every Tenants Case to consider it; and *Turner* Supping with some of the Jury the night before the Trial, and bestowing Drink, and other Courtesies on them; and the said *Turner* and *Eldred*, and the other Defendants practised to Defeat the Plaintiff of the Wardship of a Ward by keeping him secret in their Houses, and shifting him from place to place by night, and causing him to change his name, to the end he might not be seized by the Plaintiff, and after the Plaintiff had gotten him into his Custody, persuading him to leave the Plaintiff, and be ruled by them: and for these Offences the Defendants were all Committed to the Fleet; *Eldred* and *Thomas Turner* Fined 500 *l.* apiece: *Elizabeth Wace*, the Wards Mother 100 *l.* *Harrison* and *William Turner* 50 *l.* apiece: the two first to pay the Plaintiff 100 *l.* apiece damage, and the two last 50 *l.* apiece, and all the Defendants to acknowledge their Offences at the Plaintiffs next Court-Baron holden at his Mannor, and also at the Assizes in *Essex*, the Judges sitting: *Eldred* held fit to be Disabled to Practise as an Attorney any longer, and the doing thereof left to the Lord Chief Justice of the Kings Bench.

The



The Plaintiffs Husband dying seized of certain Lands held in Free and Common Socage, and leaving her a Son under Age; and the Plaintiff after his Deceale being Possessed of the whole Estate; the one Moity in right of her Dower, and the other Moity as Guardian in Socage to her said Son, during his Minority. The Defendants *William* and *Edward Sheldon*, knowing the Lands were all held in Free and Common Socage, did notwithstanding, on purpose to wrest the Possession thereof from the Plaintiff, Exhibit a Petition to the Master of the Wards and Liveries, three years after the Death of the Plaintiffs Husband, shewing, that the the Plaintiffs Husband died seized of the Premises; and that the same were held of His Majesty by Knights service in *Capite*, and that his Heir was within Age, and on that Petition obtained a Writ of *Mandamus* to the Escheator to find an Office: and the Defendant *Atkins* being the Escheator, he called for the Writ, brought it down, and without giving any notice to the Plaintiff of the Execution thereof, and without making any Proclamation thereof in the County Court, as he ought, Executed the said Writ at a place far distant and remote from the Premises; and thereupon the Defendant *William Sheldon* acknowledged to the Jury, that about half a quarter of an Acre of the Premises was held of His Majesty in *Capite* by Knights service, and without any other Evidence given or shewed, the Jury returned their Verdict, and an Office, which was brought thither ready drawn by the Defendant *Edward Sheldon* to that effect was Returned and Filed; and his Majesty being thereby Intituled to the Wardship, the Custody of the Plaintiffs Son was committed to the Defendant *William Sheldon* and his Wife upon a false pretence that the Plaintiff was a Recusant, and the Plaintiff was turned out of the Possession of the whole Estate: and for this Foul Practice the Defendants were Committed to the *Fleet*; *William Sheldon* Fined 200 *l.* *Edward Sheldon* 300 *l.* and *Atkins* the Escheator 100 *l.* and the two *Sheldons* Ordered to pay the Plaintiff 300 *l.* damages.

The Defendant *Henry Penny* having a Libelous Song, which he conceived was made in disgrace of the Plaintiff, did, in the presence of divers persons Sing the said Libel; and the Defendant *Henry Penny* finding the said Libel folded up, opened, and Read the same; and shortly after meeting the Defendant *Holley* Produced and Read a Verse of it to the said *Holley*, and then laid it down upon a Table, and *Holley* took it up, and the next day delivered it to another man, whereby it passed from man to man, to the Scandal of the Plaintiff, by whom it was generally conceived to be intended: and for this they three were Committed to the *Fleet*, bound to their Good Behaviour; Fined 200 *l.* apiece, to pay the Plaintiff two hundred Marks damages. *Henry Penny* to stand on a Stool in the Church-Porch on a *Sunday*, while the Parishoners are coming to Church with a Paper on his Head declaring his Offence; and after Service, and Sermon ended, he, and the other Defendants to ask the Plaintiff forgiveness, and acknowledg their Offences.

A Fellowship in *Exeter-Colledg* in *Oxon* being void, into which no man could be Elected, except he were born within the Diocess of *Sarum*; and the Plaintiffs Son, and the Defendant *Thomas Hyde* both standing for the said Fellowship, most of the Fellows gave their Voice for the Plaintiffs Son, which the Defendants perceiving before-hand, although

*Major Car.*  
*Sheldon Vidua*  
*ver. Sheldon*  
*Gen. & al.*

Practice to find an Office to Intitle His Majesty to a Wardship by acknowledgment of a Tenure in *capite* by Knights service. Misdemeanor in an Escheator finding an Office without giving notice to the Plaintiff or Proclaiming it in the County Court.

Three hundred pound damage.

*Peyton cler.*  
*versus Penny*  
*& al.*

Publishing a Libel.

Two hundred Marks damage.

*Goddard Arm.*  
*ver. Hyde Arm.*  
*& al.*

Practice to procure a false Certificate to frustrate the Plaintiffs Sons Election to a Fellowship in *Excester Colledg*.

Four hundred pound damage. Damage to a Colledge and Fellows there, no Parties to this Suit.

*Kingston Comes versus Pettinger*. Scandalous Words.

Two thousand pound damage.

although they well knew that the Plaintiffs Son was born within the Diocess of *Sarum*, yet to prevent his Election, and to make him incapable of the said Fellowship, *Humphrey Hyde*, Esq; Father of the said *Thomas Hyde*, went to the Defendant *Elizabeth Dixon*, being an Aged Midwife of about fourscore years of Age, who had brought the Plaintiffs Wife to bed with some of her Children, but not of her Son that stood for the Fellowship, and insinuating himself with her, persuaded her that she did bring the Plaintiffs Wife in Bed with that Son within the Diocess of *Winton*, and told her there was a Gentlewoman that liked her so well at that Labor, that she would not be satisfied without she the said *Dixon* came to bring her to Bed also; and then departed, saying, that she should shortly hear from him again. And having thus prepar'd her; the said *Humphrey Hyde* contrived and wrote a false Certificate purporting, that the Plaintiffs Wife was Delivered of her Son (that stood for the Fellowship) at *Eastwoodhay* within the Diocess of *Winton*; and sent that false Certificate by the Defendant *Garret* to the Defendant *Farrant*, an intimate Friend of the Defendant *Dixons*, to get her the said *Elizabeth Dixons* hand to the said false Certificate; and the Defendant *Dixon*, by their persuasion did set her hand to the said false Certificate; and *Garret* and *Farrant* set to their names as Witnesses; and the said *Garret* carried it to *Thomas Hyde* and delivered it him in *Humphry Hydes* presence; *Thomas* delivered it to *Francis Hyde*, and he delivered the said false Certificate to the Rector of the Colledg, as a true Certificate, as he was going to the Election, and *Alexander Hyde*, and *Humphry Hyde* justified it to be a true Certificate: and by means of this false Certificate the Plaintiffs Son was declar'd incapable of the Fellowship, and ten of the Fellows who gave their Voices for his Election were Expelled the House, and for procuring and making use of this false Certificate to the prejudice and disgrace of the Plaintiffs Son, and of the said ten Fellows, the Defendants were Committed to the *Fleet*; *Humphry Hyde* Fined 1000*l.* *Garret* 500*l.* *Francis Hyde*, *Alexander Hyde*, and *Simon Farrant* 100*l.* apiece, and pay 400*l.* to the Plaintiff; 300*l.* thereof for his own damages; and out of the other 100*l.* 50*l.* to go to the use of Colledg who was put to Charge in Entertaining the Visitor to examin the abuse, and 50*l.* to be delivered among the ten Fellows expelled for giving their Votes for the Plaintiffs Sons Election; who, if the Certificate had been true, had been incapable of the Fellowship, and they justly expelled for giving their Voices.

The Defendant *Pettinger*, at *Barnsley* in *Yorkshire*, in the presence of divers persons said, the Earl of *Kingston*, the Plaintiff, is a Base Lord; a T—— in his Teeth; he is but a Cur, and a Base Lord, and of no account: and for uttering these Contemptuous, Scandalous, and Disgraceful Speeches, he was Committed to the *Fleet*; Fined 200*l.* to pay 2000*l.* damage to the Plaintiff, at *Nottingham-Assizes* to be publicly whipped, and before his Enlargement out of the *Fleet*, to find Sureties for his Good Behaviour.



Trim. 11 Car.

**H**IS Majesty being seized, in right of his Crown, of the Forest of *Braydon* and of the Woods and Lands called the Dutchy Woods, and Dutchy Marsh Lands thereto adjoining and intending to improve the same by inclosing it for increase of His Revenue, and the good of His Subjects, did in *November 3.* for 21000 *l.* Demise the said Dutchy Woods, Dutchy Marsh and the Demeasn Lands, and the Woods, Underwoods, and Trees thereupon, to Mr. *Jacobson* and others for forty years at the Yearly Rent of 2 *s.* 3 *d.* the Acre, but their Yearly Payment was not to begin until it were Inclosed and settled at His Majesties Cost, the Lessees Entred and endeavoured to inclose and improve the same, and some of the Defendants disturbing their Possession upon pretence of having right of Common of Pasture within the said Forest and Premises, an Information was Exhibited in the Court of Exchequer, and in *Michaelmas 4.* a Decree thereupon declaring that His Majesty and His Heirs and Successors and their Tenants and Farmers should enjoy the Inheritance and Possession thereof discharged of Common, according to a former Order made in *Michaelmas Term 3.* except cause were shewed to the contrary the first week of the Term following: and *Hillary 4.* the Decree was Established, and another Information Exhibited in the Court of Exchequer for new disturbances, and thereupon another Decree that the Farmers might Inclose, and that the pretenders to Common should enjoy such proportions as were set out unto them by His Majesties Commission of Grace, and all their pretences were silenced by large and ample satisfaction. Yet the Defendants in Contempt of all Authority Combined together and resolved to pull down and destroy all the present and ancient Inclosures there, and to demolish the Houses and to burn up the Hedges and Hedg Rows, that the Farmers should never be able to Improve or Inclose it. Which the Defendants with great numbers in their Company, sometimes a thousand, sometimes more and sometimes less, effected in very Riotous and Rebellious manner in disguised Habits both by day and night, and contemned the Sheriff when he came to Proclaim Peace and suppress the Riots, and shot off a Gun at the Under-Sheriff and a Messenger of His Majesties Chamber: and some of the Defendants encouraged the said Riots by sending them money and provision, and some went about to Collect Money and Victuals to maintain them: and for this they were all Committed to the Fleet, three of the Ring-Leaders Fined 500 *l.* apiece, bound to the Good Behaviour, and be set in the Pillory at the Assizes in Womens Cloaths as they were disguised in the Riots, with Papers on their Heads declaring their Offences and be then there well whipped, three others Fined 300 *l.* apiece and bound to their Good Behaviour, twenty eight others Fined 200 *l.* apiece, and bound to their Good Behaviour: and all of them to pay the Relator 2000 *l.* damages: and *John Parker* the Elder for threatening a Messenger that came to apprehend some of the Rioters, saying he would question him and grable with him for it, and for using other contemptuous speeches to the discouragement of the Messenger in the Execution of His Majesties service, was Committed, Fined 500 *l.* and bound to his Good Behaviour.

*Attornat. F. as  
per Rel. Infor-  
tion ver. Camry  
& al.*

*Riotous de-  
stroying the  
Inclosures in  
the Forest of  
Braydon.*

*Two thousand  
pound da-  
mage.  
Contemptuous  
usage and  
threatning of  
a Messenger  
for doing His  
Majesties ser-  
vice.*

## Mich. 11 Car.

Bond *Esquis*;  
vers. *Goddard*  
& *al.*

Killing His  
Majesties Deer  
in Grounds  
near *Albourne*  
Chace.

Nota.

**G**oddard the Elder being a Copy-holder of Lands in *Eylden* within the Mannor of *Ogburne* near adjoyning to His Majesties Chace called *Albourne* Chace, being a place which in *Winter* time was a special and usual succour for preserving the breed of young Deer belonging to the Chace, and where the Keepers do usually lodg and go in and out, and with their Leash Hounds have without interruption from time to time used to drive and rechase His Majesties Deer, *Goddard* the Younger under colour of going to kill Conies in the said *Eylden* Grounds, did with his Fathers Privity and Command assemble to himself the Defendant *Cope*, and another, and in the night gotowards the said Grounds, and in their way in another mans Coppice about half a Mile from the Chace with Dogs kill one of the Chace Deer, and carried it to *Goddard* the Elders House, where it was eaten, and at another time they killed another of the Deer of the Chace in the said *Goddard* the Elders Ground, and carried it home to his House, and he disposed of part of it, and after they had a Rascal Deer, and part of it being eaten in *Goodards* House boiled, *Goddards* Wife to keep it from being discovered told her servants it was Mutton : and for this they were all Committed to the *Fleet* ; the two *Goddards* Fined 500*l.* apiece, *Goddards* Wife 50 *l.* and *Cox* 300*l.* and the two *Goddards* and *Cox* to make their acknowledgment and submission at the Assizes, and be there bound to their Good Behaviour.

Provided that nothing in this Decree shall prejudice the Provost and Scholars of *Kings* Colledg in *Cambridg* in any ancient Right or Priviledg that they have in any their possessions in those parts.

## Pas. 12 Car.

Cornwallis  
*Esquire* versus  
*Wilkinson*  
*cler.*

Practice to  
find an Office.

Perjury be-  
fore the *Fen-*  
*dary* and *Es-*  
cheator.

**T**He Defendant knowing that the Plaintiff had Purchased certain Lands of one *Robert Holdenby* in the County of *York*, and that the same were worth 40 *l. per ann.* and that the said *Holdenby* was by his the said Defendants with the Plaintiff to continue the Possession thereof at that Rate, and that the said *Holdenby* did not die seized of the said Lands, did notwithstanding after the Decease of the said *Holdenby*, with intent to draw the Creditors of the said *Holdenby* and the Purchasers of the said Lands to Compound at an easie Rate for the benefit of his Grand-Child who was Heir to the said *Holdenby*, Sued forth a Writ of *Diem clausit extremum*, which was Executed without any notice given to the Plaintiff (though he desired it) twenty eight Miles from the Lands, and forty Miles from the Plaintiffs dwelling, and the Defendant in person Solicited the finding of the Office, brought an Office ready drawn containing that the said *Holdenby* dyed seized of the said Lands, and that they were worth but twenty Marks *per ann.* or thereabouts, and persuaded the Jury to find that Office without Oath, but they refusing so to do, the Defendant did upon his Oath before the *Feodary* and *Escheator*, fallly and contrary to his own knowledg, Depose that all things contained in the said Inquisition as they were therein set down, were true, and then he procured that Office to be returned into the Court of Chancery,



Chancery, and thence Transcribed into the Court of Wards, and thereupon obtained a Grant of the Wardship, and a Lease of the said Lands: and for this foul practice and wilful Perjury, the Defendant was Committed to the *Fleet*; Fined 500*l.* and to pay the Plaintiff 200 *l.* damages, referred to the High-Commission-Court, to be first Deprived and Degraded of his Ministry, and then to be set on the Pillory at *Tork*-Affizes, with a Paper on his Head declaring his Offences, and there make an humble confession and acknowledgment thereof.

And withal the Court declared the Office to be gotten Surreptitiously, and by gross and wilful Perjury, and fit to be made void, and therefore recommended it to the Master and Council of the Court of Wards to give Order to admit the Plaintiff to his Travers of the said Office without any Bill of Travers, that thereupon, and upon view of this Sentence His Majesties Attorney may confess the same, and the Plaintiff be restored to the quiet Possession of the said Lands without further Tryal or Charge.

The Defendants *John* and *Henry Wood*, with others in their Company, did in several nights with Grey Hounds Hunt and Kill two of the Plaintiffs Deer in *Bradley Park* in *Com. Lancaster*, and carried one of them away, but were taken by the Keepers before they carried away the other: and for this they were Committed to the *Fleet* three months, and Fined 100 *l.* apiece, bound to their Good Behaviour seven years, and to acknowledg their Offences at the Affizes at *Lancaster*, and *Chester*, the Judges Sitting.

*Pas. 12 Car.*



*Leigh Kt. ver.  
Wood & al.  
Killing of  
Deer in Brad-  
ley Park.*

# ARGUMENTS

## CONCERNING

# Martial Law.

*Whereas the Author did omit in his first Part to Insert some Arguments made in the House of Commons 4 Car. I. concerning Martial Law, which at that time he had mislaid, he doth now supply that Defect, and hath put them in the Appendix, being the Arguments ( but imperfectly and briefly taken ) of Sir Edward Coke, Mr. Noy, Mr. Banks, afterwards Attorney General, and Lord Chief Justice, Mr. Mason, and Mr. Rolls, afterwards Lord Chief Justice of England, the Results of which Arguments are contained in the Petition of Right.*

### *Mr. Banks at the Committee of the whole House concerning Martial Law.*

**I** Will say nothing to hinder the Kings Service, let us observe our order that the Kings Supply and the Fundamental Liberties go together, we have voted the question, that of *Mem* and *Tuum*, and Liberty of Person: This now in Question concerns Life and Member, I will not derogate from the Power of Kings, Subjects have their Right, and Kings their Prerogatives. The Ocean it self bounds it self within its Liberties, and Prerogatives have many hundred years gone together in sweet harmony. I shall not question that Point, whether in Case a Commission of Martial Law duly granted, whether it will silence the Common Law; without all question it doth not, it deserves no debate. In Case of an Invasion of an Enemy, and the King marcheth with an Army, whether Martial Law may then be executed, that is not now the Question. But whether Commissions for Martial Law may be awarded in time of Peace, as this now is, that concerns life and death, I hold this Commission is against Law. I will remove an Objection out of 6 H. 8. in *Kellways* Reports, where it is said that *Fineax* told H. 8. it belonged to the Law of Arms to determine that power, but I conceive that opinion is no Law; The Common Laws Regulate in what Cases Commissions ought to be awarded, though it hath no Jurisdiction in them as in the Admiral Court, or Martial Courts, if they take Cognizance of Cases, that belong to the Common Law, the Common Law grants Prohibitions, the Common Law is the Judge of other Courts, to keep them in their due bounds, this we see is the daily course in Prohibitions, and the Kings Bench doth regulate other Jurisdictions, so though the Common Law define not, nor set down the Law of Arms, yet the Law sets down when they are to be exercised, and how, I will speak nothing to oppose Authority,



Authority, we will not be Authors of new Opinions, but maintain the old.

My first Reason is, the Kings Commission under the Great Seal, cannot alter the Common Law, but this Martial Commission in time of Peace alters the Law. For the Propositions that the King by his Letters Patents and Commission under the great Seal cannot alter the Law, 39 H. 7. 24. the King granted a Protection with a *non obstante* in a *qua Imp.* and was void 6 H. 7. 4. 11 H. 7. 24. the King granted a Lett to enquire for Rapes, and it was void, 36 H. 8. Br. 280. The King cannot grant that an Alien shall be Heir to his Father, 37 H. 8. br. 310. the King cannot grant Land to be devised, H. 11. Jac. a Grant to the Universities to proceed according to the Civil Law was a void Grant, and it was resolved by the Justices in the Common Bank.

But this Commission for Martial Law alters the Common Law : For it extends to all that joyn with Souldiers, it is no dash of a Pen that dashes or takes away many a mans life. In that Course a man shall suffer death, without a Jury and Trial, and so against the Law, and also small offences are made Capital, which are not by the Common Law ; Also great care ought to be had by the Commissioners, 2 E. 3. C. 2. Provides that the Commissioners of *Oyer* and *Terminer* be not granted, but for horrible offences, and that before the Justices of the one Bench or the other. Persons of ordinary quality are not to be Commissioners in this great Commission, 13 R. 2. C. 3. regulates the Jurisdiction of the Constable and Martial, that goes only to such as cannot be determined by the Common Law. But these offences now may be determined by the Common Law. The Commission of *Oyer* and *Terminer* is a Service of great expedition, if that Commission be awarded they may make as great speed as they please. Also this Commission is against the Law : For this ought only to be awarded in time of War, or inevitable necessity.

8 E. 4. 29 H. 8. Dy. 36. a House that is of a fire may be pulled down : We have no time of War, when the Courts of Justice are open in *Westminster* and other Jurisdictions : Also the Law provides that in time of War there be provision.

I agree in some particular Cases the Martial hath Jurisdiction, as in matters whereof the Common Law can take no notice, being done out out of this Realm, and also for Treasons and Murders beyond Sea, 37 H. 6. 20. if one call me Traitor, an appeal will lie before the Constable and Martial, for it doth not lie at the Common Law, in respect of this, that the King cannot alter the Law.

*Mr. Mason of Lincolns Inn concerning Martial Law.*

THE Commission gives power to proceed against Souldiers or Mar-  
riners, or any that *joyn with them*, and to proceed according to Martial Law. The execution is referred to Instructions, the punishment there appointed is Death, it falls into debate how far this extends, it was said it extends only to Souldiers, but as it goes it is to such as shall joyn with them, and the Commissioners are to Judge who joyns with Souldiers and they may execute them. But say it extends only to Souldiers, power to Press Souldiers is not now to be disputed, I have known a Lord Lieutenant give leave to a Muster-Master to Press a Man for a Souldier, and the Party refused, and he was committed by this Commission,

sion, such a one may be taken and hanged. It is said, that we have yet sustained no prejudice by this Commission: But want comes on as a Traveller, all Innovation comes in gently at the first, and it grows strong by degrees, hereafter it will not be for us to say, the Commissioners have not executed the trust committed to them.

It was said the Gentlemen of the Country are only Commissioners, but since that a Second Commission went out, and divers Captains and Commanders are put in, and they are to joyn with them, and we all know and admit, in the time of War, when the Kings Courts are shut, the Law Martial may be executed. In the time of Rebellion the Sheriff hath *Custod. Comitatus*. and all Earls and Lords are to assist him, and he is to raise the Country to resist them, 16 E. 42. the Rebels that rose then the Sheriff was bound to suppress them, 11 E. 44. and 6. *Fauconbridge* committed many outrages and *en faux* imprisonment: *le def. pl. fait inter mixque* raise Armies, and there were 20000 Rebels, but then I saw no Martial Law, but he was brought to *London*, and there executed. 18 H. 6. that Statute is, That he that hath received Wages and departs it is Felony, that Statute were void if the Commissioners by Martial Law may hang him. 2 E. 6. divers Souldiers made away their Arms and Horse, that Statute is they shall be imprisoned: But if they might have been punished by Martial Law that Statute had been void; also by Martial Law he ought to be punished by death.

Object. *An Army cannot wait Legal proceedings.* I answer, If an Army be in the Field the Common Law allows Martial Law, and also the Jurisdiction of the Admiral is part of the Common Law, and then there is *placita exercitus*, and there may be a Jury raised presently by the Martial Law, and this is Legal.

12 H. 7. *In dorso Pat.* two Letters Patents were directed to the Earl of *Oxford* that recited that divers Rebels did Levy War, &c. and power was given to suppress them, & *facere omnia quæ ad officium Constabular. Martialis pertinent secundum Legem & Consuetudinem ante usitat.* 15 H. 7. 2. *pars Patent.* there was a Patent to the same purpose; when an Army is in the Field the Martial is Judge, and he is to Judge according to the Law Martial.

1 E. 3. *prima pars memb.* 21. Parliament Roll. The Earl of *Lancaster* exhibits a Petition to the Parliament, and shews that his Father was executed contrary to the Law, and the Record was produced *placita coram Domino Rege*; whereas seven Earls were before the King, and the said Earl was sent for before the King and the said seven Earls, and the said Earl was accused, that with Banners displayed they had raised Commotion, and this was notoriously known, and he was adjudged to be beheaded and hanged.

The Errour is assigned in the Record, that in time of Peace every Subject ought to be arraigned according to the Law of the Land, and he set forth that it was in time of peace, for during the Rebellion and Conviction the *Chancery* and the other Courts were open, and so he ought to be adjudged by the Law of the Land, and not otherwise.

Also the said Earl of *Lancaster* was Peer of the Realm, and he was not tried by his Peers, which was contrary to the Law, and the tenour of the great Charter, and therefore it was considered by the King, the Lords and Commons, that *Judicium fuit nullum & vacuum in Lege*; there was a Rebellion at that time, the King himself was present at the Conviction, which was stronger than here before Commissioners, and yet that was against the Law.

We



We have now no Army in the Field, no Enemy but among our selves, and it is no time of War, and therefore the Commission is not fit, nor warranted by Law.

Mr. Rolls, afterwards Lord Chief Justice Rolls, at the Committee for Martial Law.

**I**N this Disputation I will not trench on Power, but the abuse of it, 37 H. 6. 20. the Law of the Martial is the Kings Law, and the Common Law takes notice of it; we acknowledge it so to be, but now the Question is, when it is to be used?

*Potestas vite & mortis* belong now to the Common Law, or to the Martial. The Question is now when this Martial Law is to be used, and upon whom the Common Law is the highest for the Subject, 7 H. 8. Kellway 176. every Liege man inherits the Law, 19 H. 6. 63. it is the inheritance of the King, this great inheritance is not to be taken from him, and Martial Law is meerly for necessity, where the Common Law cannot take place; now for the time when that necessity falls out, in time of Peace it cannot, so we must consider when is time of Peace or War.

If the Chancery and Courts of Westminster be shut up that are *Officina Justitiæ*, it is time of War, but if the Courts be open it is otherwise; yet if War be in any part of the Kingdom, that the Sheriff cannot execute the Kings Writ, there is *tempus belli*.

If an Enemy come into any part, where the Common Law cannot be executed, there may the Martial Law be executed. If a Subject be taken in Rebellion, if he be not slain in the time of his Rebellion, he is to be tried after by the Common Law, 2 H. 5. Parliament Roll, 2 Pars, John Montague, Earl of Salisbury, was in Rebellion against H. 4. and was taken and put to death, 2 H. 4.

In 2 H. 5. his Son brought an Error, and assigned that he was a day and half in Prison after his apprehension, and was put to death without due Trial at Law, contrary to *Magna Charta*: There is no necessity of Martial Law, but if an Alien Enemy come into the Realm, he cannot be executed by the Common Law, for he is not a Liege of the Kings, and so is to be tried by Martial.

If the Martial Law in time of Peace should be executed on Souldiers, that were a great dishonour and prejudice to them; the King may make Commissioners to them that are not Souldiers, or the Lord General only, so they shall be worse than other Subjects; if there be a Body of an Army going out of the Kingdom, there is no necessity of Martial Law, but for Discipline the Marshal and Constable may use the Martial Law, but to execute them they cannot, if they have not a Commission of Oyer and Terminer, 5 H. 4. rot. 24. Parliament Roll, a Commission to provide an Army was sent down from the Lords to the Commons, which was there amended, and by that Commission it was directed, that in every County the Sheriff and others may Arm, and muster men *ad inimicos Regis destruendos & debellandos & amicos qui in hac parte resistunt*, and will not be mustered; He doth not say, that they shall execute, but that they shall be imprisoned *donec aliud inde ordinavimus*. If this Martial Law be used, the King will lose his forfeitures of Attainder, 7 H. 4. 46. Martin: If a  
man

man be slain in Rebellion against the King, he may be Attainted after his death: 15. E. 3. Petition, the Chief shall view his body: 34. E. 3. ca. 12. sets forth how he shall be Attainted after his death. Of the five Volumes of the *Roman Law*, one part is spent in Martial-Law, and the Title is *de re militari*, but that Law teacheth us to ask the Common-Law. *Delictum militum* is either *Commune delictum*, as Murder, Felony, &c. or *militare delictum* as to lose and sell their Arms. *Delicta militaria* by the Common-Law deserves not a phillip, as by the Common-Law *delicta levia* are to be punished by the *Magistr. Milit.*

Mr. Noy.

IF Martial-Law may be Executed in time of War, but it goes with a restraint only to Souldiers; that it may be in time of War there is no Question, but for time of Peace it is a Question?

What is time of Peace, In *Hen. 3.* time in the Battel of *Lewis* unto the Battel of *Emsham*, it was a time of War, a Descent took not away Entry; and a Feofment then was void, if they were not both of one side, and this time of War is Entred in the Register Book in the Exchequer, and yet the Courts of Justice were then open, and the Parliament Rolls at that time are yet extant, 24. E. 1. The King went into *Scotland*, there were *placita exercitus*, and it begun at *Easter*, and yet then the Chancery was open and Writs went out, which are yet to be seen. As for the Earl of *Lancaster*, he drew Forces together and killed many, and was taken and carried to *Pomfret* and had a Judgment, and they never called him to answer for himself, but they made a Record of his Rebellion, and the King adjudged he should be Executed, Forfeit his Lands, and this was Reversed, because the Kings Court was open, and no man must spill the blood of War in Peace, but if he had been slain in Battel it had been good, or if he had been in *Exercitu*, and *pro hominibus de Exercitu*. So in the time of *Queen Eliz. 2.* Commissions were granted for Martial Law *pro hominibus de Exercitu* and *in Exercitu*, and some were Executed and their Heirs afterwards Reversed the Judgments: when the Judgments were given it was a time of Peace, and there is great Reason they should be Reversed, the Commission was by the King to divers *ad Justitiam reddend. juxta tenorem cujusdam Schedulæ* annexed, and with this Commission they sent the very Judgment itself, Because you did thus, &c. Now to make Justices and to prescribe a Judgment in such a Form against one that was never called to Answer, was against the Law-Martial. Law is necessary to an Army, and to men of the same Army. This Commission is not justifiable, for thought it were intended for the Army, it is somewhat too large, it extends to the Souldiers and Mariners, and others that join with them, the Mariners have a Law by themselves, both cannot be under one Law. All old Commissions are *inter homines de Exercitu* and *in Exercitu*, It is a hard Law for the Souldier to have all his Laws writ in Death. It is very terrible and it will make them hate them that have that power.

For the time of Execution of it; when there is an Army, our Law allows Martial-Law, if there be an Army, that is in expectance of an Enemy, but had not the Martial-Law at the beginning of raising his Army,



my, but when the Army was brought together, and the Enemy was to approach he had it then. But now no Enemy is approaching.

*Obj.* They are not able to Execute according to the Common-Law, they care not for a Constable.

*Answ.* But they must care for the County and the Sheriff. If the Sheriff return that unruly people make resistance it is no good return, for it sounds to the dishonor of the King.

Also these Laws thus made were not Proclaimed, and there was no Body of an Army expecting an approach of an Enemy, and that when they are dispersed is not allowable by the Law.

Sir Edward Coke concerning Martial-Law.

I Shall maintain *Jus belli*. But God send me never to live under the Law of Conveniency or Discretion. Shall the Souldier and Justice Sit on one Bench, the Trumpet will not let the Cryer speak in *Westminster-Hall*. *Non bene conveniunt*.

The time of Peace, is when the Courts of *Westminster* are open. For when they are open then you may have a Commission of *Oyer and Terminer*, and where the Common-Law can determine a thing the Martial-Law ought not.

*Drake* slew *Doughty* beyond Sea. *Doughties* Brother desired an Appeal in the Constable and Marshals Court, and *Wray* and the other Judges resolved he might there sue. We make no Law we must not mediate *ubi Lex non distinguit*. To hang a man *tempore pacis* is dangerous, I speak not of prosecution against a Rebel, he may be slain in the Rebellion; but if he be taken he cannot be put to death by the Martial-Law. 28. E. 2. M. 13. When the Courts are open Martial-Law cannot be Executed 5. H. 4. and 30. *Willmons* Case, the Constable and Marshal desired an addition to their Commission and they proceeded against some according to that power, but because it was not according to their ancient power it was void, for they cannot do any thing according to that additional power, and there was a Prohibition to stay their proceedings by vertue of that additional power: How shall the Souldiers know how to obey them? they are not under the Great Seal.

*A Commission to the Lords, and others of the Privy Council, for putting in Execution of the Laws and Statutes for Relief of the Poor, Punishment of Rogues, and imployment of Gifts to Charitable uses. Jan. 5. 1630.*

**C**HARLES, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c.

To the most Reverend Father in God, Our Right Trusty and Well-beloved Counsellour, George Lord Archbishop of Canterbury, Primate and Metropolitan of all England.

And to our Right Trusty and Well-beloved Counsellour Thomas Lord Coventry, Lord Keeper of Our Great Seal of England.

And also to the Right Reverend Father in God, Our Right Trusty and Well-beloved Counsellour, Samuel Lord Archbishop of York, Primate and Metropolitan of England.

And likewise to Our Right Trusty and Well-beloved Counsellour Richard Lord Weston, Our High Treasurer of England.

And also to Our Right Trusty and Right Beloved Cofins and Counsellours, Edward Viscount Conway, Lord President of Our Privy Council.

Henry Earl of Manchester, Keeper of Our Privy Seal.

Robert Earl of Lindsey, Lord Great Chamberlain of England.

Thomas Earl of Arundel and Surrey, Earl Martial of England.

Philip Earl of Pembroke and Montgomery, Lord Chamberlain of Our Household.

Theophilus Earl of Suffolk, Lord Warden of Our Cinque Ports.

Edward Earl of Dorset, Lord Chamberlain to Our Dearest Consort the Queen.

William Earl of Salisbury.

William Earl of Exeter.

John Earl of Bridgewater.

James Earl of Carlisle.

Henry Earl of Holland.

William Earl of Banbury.

Henry Earl of Danby.

William Earl of Moreton.

Thomas Earl of Kelly.

Edward Viscount Wimbledon.

Dudly Viscount Dorchester, one of Our Principal Secretaries of State.

Thomas Viscount Wentworth, Lord President of our Council in the North Parts.

Oliver Viscount Grandison.

Henry Viscount Faulkland.

And likewise to the Reverend Fathers in God, Our Right Trusty and Well-beloved Counsellours, William Lord Bishop of London.

Richard Lord Bishop of Winchester.

And also to Our Right Trusty and Well-beloved Counsellours, Edward Lord Newburgh, Chancellour of Our Dutchy of Lancaster.

Sir Thomas Edmunds, Knight, Treasurer of Our Household.

Sir Henry Jane Knight, Comptroller of our Household.

Sir Tho-



Sir *Thomas Jermyn*, Knight, Vice-Chamberlain of Our Household.

Sir *Robert Naunton*, Knight, Master of Our Court of Wards and Liveries.

Sir *John Cook*, Knight, one other of our Principal Secretaries of State.

Sir *Francis Cottington*, Baronet, Chancellour of Our Exchequer.

Sir *Julius Caesar*, Knight, Master of the Rolls.

And Sir *William Alexander*, Knight, Greeting.

Whereas divers good Laws and Statutes, most necessary for these times, have, during the happy Reign of Queen *Elizabeth*, and of Our late Father of Blessed Memory, and since Our coming to the Crown of *England*, been with great Wisdom, Piety, and Policy, made and Enacted in Parliament, as well for the Charitable Relief of aged and impotent poor people, not able by their labours to get their livings; and for the training up of Youth in honest and profitable Trades and Mysteries, by putting them forth to be Apprentices, as also for the setting to work of Idle Persons, who being of ability to work, in some kind or other, do nevertheless refuse to labour, and either wander up and down the City and Country begging, or which is worse, maintain themselves by fitching and stealing; And for the Punishment of sundry Rogues and Vagabonds, and setting of them to work. And for the suppressing of that odious and loathsome sin of Drunkenness, and the repressing of Idleness, the root of so many Evils: The due execution of which, and the like Laws and Statutes would prevent and cut off many offences and Crimes of high nature.

And whereas we are informed that the defect of the execution of the said good and Politick Laws and Constitutions in that behalf made, proceedeth especially from the neglect of Duty in some of Our Justices of the Peace, and other Officers, Magistrates, and Ministers of the Peace within the several Counties, Cities, and Towns Corporate of this Our Realm of *England*, and Dominion of *Wales*, to whom the care and trust of seeing the said Laws to be put in execution, is by the said Laws principally committed; which remissness and neglect of Duty doth grow and arise from this, That by the most of the said Laws, there are little or no Penalties or Forfeitures at all inflicted upon the said Justices of Peace, Magistrates, Officers, and Ministers for not performing their Duties in that behalf, or if any be, yet partly by reason of the smallness thereof, and partly by reason of their Power and Authority in their several Places, whereby they hold others under them in awe, there are few or no Complaints or Informations made of the neglects and want of due execution of the Offices of the said Justices and other Ministers; And although the care and diligence of Our Judges and Justices of Assize be never so great, yet by reason of the shortness of their Assizes and Sessions in every County, and multiplicity of business, they neither have due Information of the said neglects, nor in those times can take such exact Courses as were requisite for redress of such general abuses and inconveniencies so highly importing the Publick good of this Our Realm, by reason whereof the said Justices of Peace, Magistrates, Officers and Ministers are now of late in most parts of this our Kingdom grown secure in their said negligence, and the said Politick and necessary Laws and Statutes laid aside, or little regarded as Laws of small use, and consequence, whereas upon the present making of the said Laws, the same

being then duly executed, as also at this day in some Counties and parts of this Our Kingdom; Where some Justices of Peace, and other Magistrates do duly and diligently execute the same, there evidently appeareth great Reformation, benefit and safely to redound to the Common Wealth. And likewise whenas there was care taken, and diligence used to have the Laws concerning Charitable uses well executed, and all Pious Gifts to be employed according to the good intent of the Donors, these poor people were better relieved than now they are. All which we taking into Our Princely care for the Preservation of the Common Peace of this Realm, the performance of mens Pious intentions in their gifts of Charity, and the general good and quiet of Our Subjects:

After long and mature Deliberation, finding that there is no better ways or means to have the said Laws and Statutes put in full execution, than by committing the trust and oversight thereof to the special care and industry of certain Persons of principal place, dignity, and order near unto Our Person: Who upon their diligent enquiry how the said Laws and Statutes are put in Execution, may be able upon all occasions from time to time to give us particular Information thereof, and by their approved Wisdoms, Experience and Judgments, give directions, and instructions from time to time for the better Execution of the said Statutes.

**Know** ye therefore that We out of that long Experience and full assurance We have had of the great Integrity, Wisdom, Fidelity, and Industry of you, and every of you, have Constituted, Authorized, and Appointed you to be Our Commissioners, and by these presents do Constitute, Authorize, and appoint, and strictly require you, or any four or more of you Our Commissioners, either by Examination upon Oath, or without Oath, or by all and every such good and lawful means, as to you, or any four or more of you, in your Wisdoms and Judgments shall seem convenient and requisite from time to time from henceforth to make enquiry, and thereby to inform your selves how all and every the Laws and Statutes now in Force which any way concern the Relief of Impotent or poor People, the binding out of Apprentices, the setting to work of poor Children, and such other poor people, as being able or willing to work have no stock or means to employ themselves; The compelling and forcing such lazy and idle Persons to work, as being of bodies able and strong, do nevertheless refuse to labour; The maintenance, government, and well ordering of houses of Correction, and other places for relief of poor indigent and impotent people, the Rating, Collecting, and Imployment of all such Sums as by the Statute of the three and fortieth of *Elizabeth* are appointed for the relief of Souldiers and Mariners, the punishment, or setting on work of Rogues and Vagabonds: And all Laws and Statutes now in force for the repressing of Drunkenness and Idleness, the reforming of abuses committed in Inns and Alehouses, the abridging of the number of Alehouses, and the well-ordering of such as are Licensed, the keeping of Watches and Wards duly, and how other publick Services for God, the King, and the Common-wealth are put in practice and executed.

To which end and purpose, to you Our Commissioners, or any six or more of you, We give full Power and Authority from time to time hereafter, to give such directions and instructions, and by all other good and lawful means to set down, and give such orders and directions, as that all and every the said Laws and other necessary Statutes may be duly  
and



and effectually executed, and the Pains and Penalties thereof levied and employed according to the purport and true meaning of the same Laws.

And whereas no Nation of the world hath provided more liberally, or ordained better Laws for due imployment of Lands, Goods, and Stocks of Money, given to Charitable uses, than this Our Kingdom of *England* hath done: Yet nevertheless the said Bounties and charitable gifts have not been employed according to the mind and intent of the Givers, by reason of some Devices, Frauds, breach of Trust, aim at Private Gain, and partly by the negligence of those that have been trusted to perform the same.

Therefore Our Will and expresse Pleasure is, that those Statutes of the Thirty Ninth and Forty Third of *Elizabeth*, and all other Laws and Statutes concerning Hospitals, Almes-houses, *Maisons de Dieu*, and other pious Donations, Collections, or publick gifts for the benefit of the poor, or publick works, be strictly inquired and put in execution. And all Deeds of Foundations, Charters, Wills, Devices, dispositions of Lands, Goods, Annuities, or Rents, given, appointed, or intended to any the houses aforesaid, or to any charitable use or publick work, be diligently sought out and discovered, to the end there may be an employment of all the Profits, according to the will, and mind of the Donors or Founders.

And We do further by these Presents, give full Power and Authority unto you, or any six, or more of you, to call unto you for your assistance in the Premises, when you shall see it needful, all, or any of Our Justices of Assize, as often as you shall see cause, and to give such directions and instructions by your Letters, or otherwise, as well to Our said Justices of Assize, *Oyer and Terminer*, and Gaol-delivery, for their several Circuits: As also to Our Justices, Mayors, Bayliffs, and other head Officers, within Cities, and Burroughs, Clerks of the Assize and Sessions, and other Officers and Ministers within Our several Counties and Shires of this Our Realm of *England*, and Dominion of *Wales*, and the several Divisions of the same, as to you, or any six or more of you in your wisdom shall seem meet and requisite, and shall be agreeable to the Laws and Statutes of this Our Realm for the better execution of the Laws and Statutes in the time to come. All which Directions, Instructions, and Orders at any time or times hereafter so to be made or taken by you, or any Six or more of you, by force of these Presents; We will and straitly charge and command you by these Presents, to be sincerely and duly from time to time obeyed, observed, and kept, by all and every Officer and Officers, Justice and Justices, Person and Persons, to whom it shall appertain.

And We do hereby further will and require you, that you, or any four or more of you, do from time to time give unto Us particular and true information of the care and industry of our Justices of the Peace in their several Divisions, Mayors, Bayliffs, and head Officers, in their several Cities and Towns Corporate, as upon the said enquiry you shall find to be diligent in putting the said Laws, Statutes, Orders, and Directions in Execution, that so by their service and your report, they appearing to deserve well of their King and Country, may receive not only good acceptance at our hands, but all due encouragement and comfort to continue in their well-doings; And if contrariwise you shall find any of our said Justices of Peace, or other the persons before-named to

be negligent and remiss in their several places and duties touching the performance and execution of the said Laws and Statutes committed to their charge, or the Orders and Directions given by you, or any six of you, for the better execution of the said Statutes: Then Our Pleasure is, that you do likewise certify the names of such as you shall find so remiss and negligent, that accordingly order may be taken for their removing and displacing out of the Commission of the Peace, as men unworthy of their said Trust and Places; As also deserving to receive such further punishment in Our Court of *Star-Chamber*, or otherwise, as may be by Law inflicted upon them.

And further We do by these Presents give unto you, or any Six or more of you, full Power and Authority to do and execute all and every other lawful and necessary Act and Acts, thing and things for the better and more due execution of the premises, or any of them, as you, or any six, or more of you, shall in your Wisdoms and Judgments think to be fit and convenient.

And because you that are Attendants upon Our Person, or otherwise employed in your Services cannot at all times be in Person in the several Shires of this Our Kingdom to execute this our Commission in such sort as We have appointed it. And for that it will be very fit and requisite for you to have Persons of Trust under you, who may faithfully assist you in the execution of this Our Commission:

We do therefore give unto you for your better aid and assistance, and the better performance of this our Service, full Power and Authority from time to time, to Assign, Appoint, and Constitute by your Writing under your Hands and Seals, or the Hands and Seals of any Six or more of you, such sufficient meet Persons as you, or any Six of you, in your discretions shall from time to time think fit and appoint to be your Deputies in every, or any County, City, Burrough, or Town Corporate of this Our Kingdom of *England*, or Dominion of *Wales*.

And We do give unto such Persons, so to be by you Deputed, Assigned, and Appointed, as aforesaid, or to any two, three, or more of them full Power and Authority, to do and execute in Our said Counties, Cities, Burroughs, and Towns Corporate, as well within Liberties as without; all and every thing and things, which by vertue of this Our mission, is to you Our Principal Commissioners, intrusted, and committed, or which you or any of you Our Commissioners, if you were personally Present, might, or ought to do; they your said Deputies pursuing such directions and instructions from time to time as you or any Six of you shall give unto them in writing: And the better to enable them so to do, you shall deliver to such Deputies as you shall make in every County, City, or Town Corporate, as aforesaid, a Duplicate, or true Transcript of this our Commission, subscribed with your Hands, or under the Hands of Six of you at the least.

And we do further by the Tenour of these Presents, Will and Command, and do give full power and Authority to Our Lord Chancellour, or Lord Keeper of our Great Seal for the time being, to cause several Commissions to be made forth, under Our Great Seal of *England*, to such Persons of Trust and Quality as any Six, or more of you shall from time to time nominate unto him, and shall so signify unto him by writing under your Hands to the same Tenour and Effect, in every material thing, as in these Our Letters Patents is expressed, with a Clause to be inserted in every such Commission and Commissions, commanding such  
Persons



Persons so to be nominated, that they certify all their proceedings thereupon to you Our foresaid Commissioners, or to any Six of you, at such times and places as you, or any Six of you shall appoint. In Witness whereof, we have caused these Our Letters to be made Patents, Witness our Self at *Westminster* the fifth day of *January*, in the Sixth Year of Our Reign.

## ORDERS.

I. That the Justices of Peace of every Shire within the Realm do divide themselves, and allot among themselves what Justices of the Peace, and what Hundreds shall attend monthly at some certain places of the Shire. And at this day and place, the High Constables, Petty Constables, and Churchwardens, and Overseers for the Poor of those Hundreds, shall attend the said Justices. And there enquiry shall be made, and information taken by the Justices how every of these Officers in their several Places have done their duties in execution of the Laws mentioned in the Commission annexed, and what Persons have offended against any of the said Laws.

II. Where neglect or defect is found in any of the said Officers, in making their Presentments condign punishment to be inflicted upon them by the Justices according to Law.

III. When Offences are Presented at one meeting, then the Penalties of the Laws offended, to be levied and brought to the Justices at their next meeting.

IV. When the Penalties are levied, the Justices are to take care that the same be implied accordingly as by the Statutes are appointed.

V. For encouragement to men that do inform and prosecute others for offending against these Laws, or any of them, liberty to be left to the Justices of Peace that do meet to reward the Informer or Prosecutor, out of part of the Money levied upon his, or their Presentments or Information.

Though the Statute do not prescribe this, yet this is not against the Law that gives the Penalty to the Poor, which Penalty, nor no part thereof would else come unto the Poor but by this means.

VI. That the several Justices of the Peace of every Shire do once every three Months certify an account in writing to the High Sheriff of the County, of their proceedings in this way, whom they have punished, what they have levied, and how they have employed it.

VII. That the High Sheriff, within fourteen days after this Account delivered, do send the same over to the Justices of Assize for that County, or to one of them, and the Justice or Justices that receive the same, to certify it in the beginning of every Term next after to the Lords Commissioners: And if any of the Justices of Peace shall fail to make such account to the Sheriff, then the Sheriff shall certify such default to the Lords Commissioners.

VIII. The Justices of Assize in every Circuit, are to enquire, and specially to mark what Justices of the Peace are careful and diligent in execution of these Laws, and the directions given, and who are negligent and remiss. And  
what

*what other things of Note happen in their Circuits to make report thereof to the King, upon their return from their Circuits every half year.*

#### DIRECTIONS.

I. *That the Lords of Mannours and Towns take care that their Tenants and the Parishioners of every Town may be relieved by work, or otherwise at home, and not suffered to straggle and beg up and down in their Parishes.*

II. *That Stewards to Lords and Gentlemen, in keeping their Leets twice a year, do especially enquire upon those Articles, that tend to the reformation or punishment of Common Offences and abuses: As of Bakers and Breisers, for breaking of Assizes; of Forestallers, and Regraters: Against Tradesmen of all sorts, for selling with under weights, or at excessive prizes, or things unwholsom, or things made in deceit: Of People, Breakers of houses, common Thieves and their Receivers; Haunters of Taverns or Alehouses, those that go in good Cloaths, and fare well, and none knows whereof they live; those that be Night-walkers; builders of Cottages, and takers in of Inmates; Offences of Victuallers, Artificers, Workmen, and Labourers.*

III. *That the poor Children in every Parish be put forth Apprentices to Husbandry, and other Handy-crafts, and money to be raised in the Parishes for placing them, according to the Law; and if any party shall refuse to take the said Apprentice, being put out according to the Law, such party as shall refuse to take the said Apprentice, to be bound over to the next Quarter Sessions, or Assizes, and there to be bound to his good Behaviour, or otherwise ordered as shall be found fit.*

IV. *That the Statute of Labourers, for retaining of Servants, and ordering of Wages, betwixt the Servant and the Masier be not deluded by private Contracts, before they come to the Statutes, and the common fashion of Effoyning many absent, not to be allowed of course, as is used.*

V. *That the Weekly Taxations for relief of the Poor, and other purposes mentioned in the Statute of 43 Eliz. be in these times of Scarcity raised to higher Rates in every Parish, than in times tofore were used. And Contributions had from other Parishes to help the weaker Parishes, especially from those places where Depopulations have been, some good Contribution to come, for help of other Parishes. And where any money or Stock hath been, or shall be given to the relief of the Poor in any Parish, such gift to be no occasion of lessening the Rates of the Parish.*

VI. *That the Petty Constables in all Parishes be chosen of the abler sort of Parishioners, and the Office not to be put upon the poorer sort, if it may be.*

VII. *Watches in the night, and Warding by day, and to be appointed in every Town and Village, for apprehension of Rogues, and Vagabonds, and for safety and good order.*

VIII. *And because it is found by daily experience, that the remissness and negligence of Petty Constables is a great cause of the swarming of Rogues and Beggars: Therefore the High Constables in their several Divisions are specially to be charged to look unto the Petty Constables that they use diligence in their*



their Offices, and the High Constables to present to the Justices of Peace the defaults of the Petty Constables, for not punishing the Rogues, or not Presenting those that are relievers of the Rogues and Beggars, the Law inslitting a Penalty upon the Constable for not punishing them, and upon such Party as shall relieve them.

IX. If in any Parish there be found any Persons that live out of Service, or that live idly, and will not work for reasonable Wages, or live to spend all they have at the Alehouse, those persons to be brought by the High Constables, and Petty Constables to the Justices at their meetings, there to be ordered and punished as shall be found fit.

X. That the Correction-houses in all Counties may be made adjoining to the Common Prisons, and the Goaler to be made Governour of them, that so he may employ to work Prisoners committed for small Causes, and so they may learn honestly by Labour, and not live idly and miserably long in Prison, whereby they are made worse when they come out than they were when they went in, and where many houses of Correction are in one County, one of them at least to be near the Goal.

XI. That no man harbour Rogues in their Barns, or Out-houses. And the wandering persons with Women and Children, to give account to the Constable or Justice of Peace, where they were Married, and where their Children were Christened, for these People live like Savages, neither Marry, nor Bury, nor Christen, which licentious liberty make so many delight to be Rogues and Wanderers.

XII. And because the High-ways in all Counties of England are in great decay, partly so grown for that men think there is no course by the Common Law, or order from the State to amend the same: And the Work-days appointed by the Statute are so omitted or idly performed, that there comes little good by them; therefore the Justices of Peace at these monthly meetings are to take special care of: And not only to cause the Surveyers of the High-ways to Present the same, but by their own view to inform themselves, that at the next Quarter Sessions after every meeting they may Present all such neglects and offences, (as upon their own view) and the offenders there to be punished according to Law.

# Articles of Peace, ENTERCOURSE AND COMMERCE, CONCLUDED

In the names of the most High and Mighty Kings, CHARLES by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. And PHILIP the Fourth King of Spain, &c. In a Treaty at Madrid, the fifth day of November, after the Old Syle, in the year of our Lord God, 1630.

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*Translated out of Latin into English.*

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## Articles of the Treaty.

I. **F**IRST, It is concluded, and accorded, that from this day forward there shall be a good, sincere, true, firm, and perfect Amity, League and Peace to endure for ever, and inviolably to be observed and kept, as well by Land as Sea, and fresh water, betwixt the Renowned King of Great Britain, France, and Ireland, &c. and the most Renowned King of Spain, &c. and their Heirs and Successors whomsoever, their Kingdoms, Countries, Dominions, Lands, Peoples, Liegemen, and Subjects, now being, or which hereafter shall be, of whatsoever condition, state or degree they are or may be, so as the said Vassals, and Subjects from henceforth are each of them to favour other, and to use one another with all kind and friendly Offices.

II. And that from henceforth all Hostility and Enmity shall cease, and all offences, injuries, and damages which either part in time of the troubles hath sustained by the other, shall be taken away and forgotten in such sort, as that hereafter neither party against the other for and upon occasion of any damages, offences, depredations or spoils past may pretend any matter, but that there shall be a perfect abolition of all and every of them until this present day; and that all Actions for the same shall be held and reputed to be extinguished, excepting all such depredations which shall be committed,



ted, within the Narrow Seas after the space of fifteen days ; and betwixt the Narrow Seas and the Islands, after the space of three months ; and beyond the Line after the space of nine months fully ended, to be reckoned from the publication of the Peace: or immediately after the notice of the Peace sufficiently given to the said places, by Authentical Acts, or Letters respectively to be shewn, Because of these an account and full restitution is to be made. And each party shall hereafter abstain from all depredations, offences and spoils, as well by Sea as Land and Fresh Waters, in whatsoever the Kingdoms, Dominions, Places or Governments of the other : neither shall the aforesaid Kings consent, that any of the grievances before-mentioned, be done by any their Vassals, Inhabitants or Subjects, and they shall cause restitution to be made of all depredations and spoils, which hereafter shall be committed, and of the damages growing by means thereof.

III. Item, That none of the afore-named most Renowned Kings, their Heirs or Successors whosoever, by himself, or by any other, shall do, Treat or attempt any thing against the other, or against their Kingdoms, Lands, or Dominions, whatsoever in any place, on Land or Sea, or in the Ports of Fresh Waters, by pretence of any cause, or upon any occasion ; neither any of them shall give assistance or consent unto any War, Counsel, Attempt or Treaties, had, made, or to be made in the prejudice of either or against the other.

IV. Item, That neither of the former parties, shall themselves give or shall consent to be given by any of the Vassals, Subjects, or Inhabitants, Aid, Favour, or Counsel, directly or indirectly, on Land, Sea, or Fresh Waters: nor shall supply and minister, nor consent to be supplied and ministred, by their said Vassals, Inhabitants and Subjects, unto the Enemies or Rebels of either part, of what nature or condition soever they be, whether they shall invade the Countries and Dominions of either of them, or withdraw themselves from their obedience and subjection, any Souldiers, Provision of Victuals, Monies, Instruments of War, Munitions, or whatsoever other Aid else to maintain War.

V. And furthermore the aforesaid Kings shall renounce, as by the tenor of these presents every of them hath and doth renounce, whatsoever League, Confederation, Capitulation and Intelligence, made by what manner soever, in the prejudice of the one or the other, which doth or may repugn against this Peace, or Concord, and all and singular the Contents thereof: All which and every of them, so far as they do concern the effect aforesaid, they shall annul and make void, and declare to be of no force or moment.

VI. Item, It is agreed and accorded, that the said most Renowned Kings shall take care, and their Subjects shall from henceforth abstain from all force and wrong doing, and that they likewise shall revoke all Commissions and Letters of Reprisal, and Mart, or otherwise, containing Licence to take Prizes of what condition or kind soever they are, being to the prejudice of the one or other of the said Kings, or of their Subjects or Inhabitants, or unto Strangers, and shall declare the same to be void and of no force, as by this Treaty or Peace they are declared so to be ; and whosoever shall do any thing to the contrary, he shall be punished not only criminally according to the merit of his offence, but shall also be compelled

to make restitution and satisfaction for the losses to the parties damaged, requiring the same.

VII. Item, It is agreed and accorded that between the most Renowned King of Great Britain, &c. and the most Renowned King of Spain, &c. and every of their Vassals, Inhabitants and Subjects, as well by Land as Sea and Fresh Waters, in all and singular their Kingdoms, Dominions, Islands, and other Lands, Cities, Towns, Villages, Havens and Streights of the said Kingdoms and Dominions, there be or may be free Commerce: In which before the War between Philip the second King of Spain, and Elizabeth Queen of England, there hath been Commerce betwixt the said Kingdoms according as it was agreed on in the Treaty of Peace made in the Year 1604. in the ninth Article, like and according to the use and observance of the Ancient Leagues and Treaties made before the said time, in such sort and manner, as that without any safe Conduct or other Licence general or special, the Subjects of the one or other King, may freely, as well by Land as by Sea and Fresh Waters, go, enter, and sail, in and to the said Kingdoms and Dominions, and all the Cities, Havens, Shores, Sea-Roads and Streights thereof, and put themselves into whatsoever Havens of the same, where before the abovesaid time, there hath been a mutual Commerce, and like and according to the use and observance of the Antient Leagues and Treaties aforesaid, with Carriages, Horses, Burdens, Ships as well Laden, as to be Laden, to bring in Merchandises, and there to Buy or Sell as much as they will, and in the same places upon just Prizes to procure and have Provision of Victuals for their Sustenance and Voyages; and likewise as occasion shall require, to repair such Shipping and Carriages, as either appertain unto them in property, or else they have hired or borrowed, and from thence also with their Merchandises, Goods, and other Commodities whatsoever, the Customs, and Tolls, as they are presently rated, according to the Ordinances of the Places, being paid, they may with like freedom depart and go to their own Countries, or any other Place at their pleasure without let or impediment.

VIII. Item, It is likewise agreed and accorded, that it may be lawful to have access unto the Ports of the said Kings, and there to make stay, and from thence with the same liberty to depart, not only with their Ships of Merchandises and Burthen, but also with other Shipping furnished for War, and prepared to withstand the force of Enemies: whether they shall arrive there either by Force of Tempest, or for repairing their Ships, or for Provision of Victuals, so as they exceed not the number of six or eight Ships, when they come in of their own accord, nor that they continue or make stay, in the Havens, or about the Ports longer than they shall just cause for the repair of the same Shipping, or for Provision of other necessaries, lest there should be any occasion of interruption unto the free Commerce and Intercourse of other Friends and Nations in Amity: and whensoever any greater number of Ships of War than is before specified, shall have occasion of access into those Ports, then shall it not be lawful for them to make any entrance without the privy and consent of the King. Provided also that they do no Hostile Act within the said Ports, to the prejudice of the Kings; but demean themselves there quietly, as Friends and Confederates, with special caution ever to be had, that under the colour and pretext of Commerce, no Warlike Aid, Provision of Victuals, or of Arms, or of Munition, or other such like materials for the Wars be carried by the Subjects, Vassals, or Inhabitants



habitants of those Kingdoms, to the Commodities or Benefit of the Enemies of the one or other King. And whosoever shall attempt to the contrary, shall be punished with those sharp pains and punishments used to be inflicted upon seditious persons and breakers of Faith and Peace. Provided also, that the subjects of the one in the Dominions and Territories of the other, be not worse handled, than the natural subjects in their Sales and Contracts for their Merchandise, as well in respect of the Prizes, as otherwise, but that the condition of Forraigners be equal and like herein unto natural Subjects notwithstanding any Statutes or Customs to the contrary.

IX. Item, It is agreed and accorded, that the said most Renowned King of Great Britain, &c. Shall Prohibit, and after the confirming of these present Articles, by Proclamation forthwith provide, that no one of His Subjects, Inhabitants, or Vassals, shall Lade; or carry over by any means, directly or indirectly in his own name, or in the name of any others; neither shall lend his Ship or other Vessel for carriage, or use his name for the Transporting or conveying of any Ships, Merchandises, Manufactures, or any other thing out of Holland and Zealand into Spain, and other the Kingdoms and Dominions of the King of Spain; neither shall carry in his Ships any Holland or Zealand Merchant unto the said Ports upon peril of His Majesties indignation, and other punishments usually inflicted on the contemners of Royal Commandments. And to the effect that fraud, which through the likeness of Merchandize might happen, be the better avoided; It is also provided in this present Article, that the Merchandizes to be carried and conveyed out of England, Scotland and Ireland, to the Kingdoms and Dominions of the King of Spain, shall be Registred and Sealed with the Seal of the Town or City from whence they shall be Laden, and that they being so Registred and Sealed shall without any difficulty or question whatsoever be reputed and held for English, Scottish, and Irish Merchandizes, and so respectively, according the Seal or Mark, be allowed and admitted. Always excepted, that in case of fraud, proof shall be admitted, without stay notwithstanding or lett of the course or venting of the Merchandizes in the mean time. And touching such Merchandizes, as shall, not be Registred nor Sealed, the same are to be Confiscated and taken for good prize. And likewise all Hollanders and Zealanders which shall be found in the same Ships, may also be taken and detained.

X. Item, It is also agreed, that the English, Scottish, and Irish Merchandises may freely be Conveyed and Transported out of the said Kingdoms into Spain, and other Dominions of the said most Renowned King, paying only the Customs and Tolls usually required.

XI. Item, It is likewise agreed, that for the Merchandizes, which English, Scottish, and Irish Merchants shall buy in Spain, or other of the Kingdoms of the said King of Spain, and shall carry in their own Ships, or in Ships hired or lent unto them (except, as before hath been said, the Ships of Hollanders and Zealanders) no new Customs of Toll shall be increased: Yet so as they convey and carry the same Goods and Merchandizes to the Kingdoms of the said most Renowned King of Great Britain, &c. or to the Ports of the Provinces being in obedience to the King of Spain. And for the more surety that fraud be not committed herein, and that the said Merchandizes be not Transported to other Places and Kingdoms, and especially into Holland or Zealand, It is concluded, that the said Merchants

*chants shall bind themselves at the time that they do lade their Ships in Spain, or in the other Kingdoms and Dominions of the said King of Spain above declared, before the Magistrate of the place in which they shall Lade; to pay the imposition of thirty in the hundred, in case they carry the same Goods and Merchandizes to other Dominions and Countries: And to obtain also within the space of twelve months following, a Certificate from the Magistrates of the Places where they shall discharge or unlade the same Goods, testifying their discharge to have been either in the Kingdoms and Dominions of the King of Great Britain, &c. or in the Ports of the Provinces under the obedience of the said King of Spain: Upon the exhibiting whereof, the obligations concerning those matters shall be delivered up, unto the bringers of the same Certificates.*

XII. *And also that the said most Renowned King of Great Britain, &c. shall Prohibit soon after the confirming of this accord, that none shall export any Merchandizes out of Spain, or other Kingdoms of the King of Spain, to be carryed to other places, than to His Majesties Kingdoms, and the said Ports of the Provinces in obedience, upon penalty of Confiscation of all their Merchandizes to the use of the said King of Great Britain, &c. to be paid into His Majesties Exchequer; of which Merchandizes, or the value thereof, one half is to be given to the Informer, the imposition of thirty in the hundred being first deducted, to be paid to the Ministers and Deputies of the King of Spain, and the proofs lawfully received in Spain, and transmitted into England in an Authentical form, are to be credited. And it is also declared, that the said Prohibition of Goods to be carried out of Spain, unto other places than the Kingdoms of Britain, and the other obedient Provinces of Flanders, doth no way comprehend those Kingdoms and Dominions which enjoy a Free Trade with the Kingdom of Spain: for the Subjects of His Majesty of Great Britain, may lawfully Transport the Goods of the Kingdom of Spain, unto those that have a mutual Trade with Spain, the aforementioned Cautions, Conditions, and Penalties rehearsed in the precedent Articles against the Offenders remaining still in force and strength.*

XIII. *Item, That the Magistrates of the said Towns, or Cities of His Majesties Kingdoms, which shall make Certificates of the unlading of Ships, and are to give Testimony of the Registering of the Merchandizes, shall not commit any fraud therein under peril of indignation of the Kings Majesty, and pain of loss of their Offices, and other more grievous punishments at the Kings pleasure.*

XIV. *That which hath before been expressed concerning the Free Commerce, granted unto the Subjects of the said most Renowned Kings, is to be understood to be likewise, and in the same manner agreed on for the Subjects of the most Renowned King of Great Britain, &c. and of the obedient Provinces of Flanders; To wit, that in all places whatsoever, their Subjects are bound reciprocally, to respect and to favour each other; and by mutual kind Offices, Friendly to entertain the one the other, and that by Land, Sea, and Fresh Waters, without any safe Conduct or other Licence, general or special, they may unto the said Kingdoms, Dominions, Lands, Villages, Towns, Cities, Sea-Shores, Havens, Sea-Roads whatsoever, freely, safely, securely, come, enter, sail, carry, and recarry their Merchandizes, Buy and Sell, remain, abide and converse in the same so long as it shall*



shall please them; take up any kind of Provision for Victual and things necessary for Sustenance, and for Voyages, at just and reasonable Prizes; and there repair also (as occasion shall require) their Shipping and Carriages, whether the same be their own, or whether they be hired or borrowed: As also to depart from thence with like liberty, with Merchandizes, Goods and other things whatsoever (the Customs and Tolls, according to the Statutes of those places being paid) and to dispose, and follow their businesses freely, and to return at their own pleasure; either into their own Countries, or to any other place, without any impediment or lett, so as the Subjects of the most Renowned King of Great Britain, &c. use not the Shipping of the Hollanders, or the United Provinces, and bring not into the Obedient Provinces, any of the Manufactures of Holland, or of the United Provinces, bought wheresoever; neither any other thing, for which there was paid in Holland any Tribute, nor that they Transport any thing from the Obedient Provinces, unto them of those Provinces, until a pacification be confirmed: nor that they receive any the Goods of Hollanders, or of those other places United, into their Ships, nor trust any of their own Goods in the Ships of Hollanders, nor fraudulently by lending their names, colour the Goods of any Hollander, or other of the United Provinces: for that if any thing be committed to the contrary, and same be found, it shall be held for just and lawful Prize.

XV. And the aforesaid Provisos are not only to be understood of Ships Laden or to be Laden, in cause of Commerce, but also of Ships of War, which the said Kings have, or shall have armed to repress the attempts of their Enemies: insomuch as that it may be lawful for such Ships of War, not exceeding the number before-mentioned, if they happen to be constrained, either by force of Tempest, or for buying of Victuals, or other things, or for repair of Shipping, to use the same liberty in arriving, staying, and departing; so that they do no Hostile Act in the said Ports, but demean themselves honestly, and quietly, as it becometh Confederates and Friends: And so that they stay and remain not in, or about the same Ports any longer than shall be needful for Reparation and Provision of necessaries, that thereby they be not a hindrance, or interruption to the Free Commerce and Entercourse with other Nations that are in Amity and Friendship: But where occasion shall fall out of arrival of any greater number of Shipping than before specified, it shall not be lawful for them to enter, but with the knowledg and allowance of the King.

XVI. And as the said Kings do Religiously promise, that they will not any time yield any Warlike Succour to any of the others Enemies, so it is provided, that their Subjects, or the Inhabitants in their Realms, of what Nation or Quality soever they be, may not under colour of Entercourse and Commerce, nor upon any other Colour or Pretence give any Aid or Help to the Enemies of the said Kings, or of either of them, or confer or supply them with Money, Provisions of Victuals for War, Armour, Munition, Ordnance, Artillery, or other Warlike Provision, and those which shall do the contrary, are to take knowledg, that they shall be punished with the severe punishments accustomed to be inflicted upon breakers of League, and Seditious persons.

XVII. And

XVII. And that also greater benefit may through this concord come unto the Subjects of the most Renowned King of Great Britain, and of the most Renowned King of Spain, in their Obedient Provinces, it is accorded and concluded that the said most Renowned Kings joyntly and severally will do their endeavours, that their Subjects have not the passages stopped or letted unto any of their Ports, Kingdoms and Dominions, that thereby they be not hindred, freely and without impediment to come and go with their Shipping, Merchandize and Carriages (the ordinary Customs and Tolls being paid) to all the said Ports, Kingdoms, and Dominions: And with the like liberty (when it shall seem so good unto them) with other Merchandizes from hence to depart.

XVIII. But as concerning the Ancient Treaties of Entercourse and Commerce, whereof divers are extant, betwixt the Kingdoms of England, Scotland, and Ireland, and the Dominions of the Dukes of Burgundy and Princes of the Low-Countries, which notwithstanding during the troubles have been intermitted, and peradventure in some parts impaired; it is agreed by way of Provision, that they shall retain and have their Antient Force and Authority; and that they shall be used on both parts as they were before the War between Elizabeth Queen of England and Philip the Second, according as it was agreed on in the Treaty of Peace made in the Year one thousand, six hundred and four, in the two and twentieth Article. And if it happen that either by both parts, or any one part, any breach thereof be alledged, or that the Subjects shall complain, that the Conventions are not observed, or that more grievous burdens than were accustomed, are imposed on them, there shall be Deputies appointed on either part, which may meet, and calling unto them (if need be) Merchants experienced in such matters, may Friendly Treat, and equally renew and restore such things, as shall be found either to have slipped out of course, or to have been changed by the injury of time, or by corrupt custom and use.

XIX. And for that the rights of Commerce which do ensue by Peace, ought not to be made unfruitful, as they would be, if the Subjects of the most Renowned King of Great Britain, &c. Whilst they have recourse to and from the Kingdoms and Dominions of the said King of Spain, and do remain there for Commerce, should be molested in the Cause of Conscience: therefore to the intent their Traffick may be safe and without danger, as well on Land as on Sea, the said most Renowned King of Spain shall take care, and provide, that for the said Cause of Conscience they shall not be molested nor inquieted in using their Trade and Commerce, so as they give not scandal unto others.

XX. Item, That if it happen any Goods or Merchandizes Prohibited to be carried or conveyed out of the Kingdoms and Dominions of the said most Renowned Kings, by the Subjects of the one or of the other; That in such case, the person only offending shall incur punishment, and the Goods only Prohibited shall be Confiscated.

XXI. Item, That the Goods of the Subjects, dying within the Kingdoms or Dominions of either, shall be conserved to the right Heirs and Successors of the deceased; the right of a third person alway reserved.

XXII. Item,



XXII. Item, *That the grants and priviledges given by the Kings to Merchants of either of the Kingdoms, coming to their said Kingdoms, and which priviledges through the Wars have ceased shall from henceforth wholly be revived, and have their full force and strength.*

XXIII. Item, *if it shall happen hereafter (which God forbid) that any displeasure do arise, betwixt the said most Renowned Kings, the King of Great Britain, and the King of Spain, whereby danger might grow of the interruption of Entercourse and Commerce, then the Subjects of either King are thereof so to be admonished, as that they may have six months from the time of the monition to Transport their Merchandizes without any Arrest, Disturbance, or Hurt in the mean season, to be done or given unto them either in their Persons or Merchandizes.*

XXIV. Item, *That none of the foresaid Kings shall imbarge or stay for their Provision in War, or for any other service, to the prejudice of the Owners the Ships of the Subjects of any of the others, being in their Ports, or Waters, unless the King of those parties to whom the Ships do appertain shall first be admonished thereof, and shall also yield his consent thereunto.*

XXV. Item, *It is accorded, that if during this Peace and Amity, any thing happen to be attempted, committed, or done, against the force and effect thereof by Land, Sea, or Fresh Waters, either by any of the said Kings, their Heirs and Successors, their Vassals, Subjects or Allies comprehended in this League, or of any the Heirs or Successors of those Allies, their Subjects or Vassals; Yet notwithstanding this Peace and Amity shall remain in strength and vertue, and the attempters and such as do offend therein only, and no other, shall be punished for their attempts.*

XXVI. Item, *That such as have been taken in War, and are Captives on either part, although they be Condemned to the Gallies, shall be released and dismissed, the Charges of the diet such as are not in the Gallies, being first discharged, and the Ransoms of such as have before agreed for the same, being by them payed.*

XXVII. Item, *It is concluded, that all civil actions, which at the time when the last Wars began, were of validity and force, may yet be exercised and pursued, notwithstanding any lapse of time during the same War, so as no prejudice shall be understood to have grown unto them, during the continuance of the War, those only excepted which are already come to the Exchequer or Princes Treasury.*

XXVIII. Item, *If any Controversie happen to be moved in the Kingdoms and Dominions, of the one or other of these Kings, by any person not being subject to the same King, for or upon occasion of any depredations or spoils committed; the cause is to be remitted to the Judge of the jurisdiction under that King against whose subject or subjects the Suit is Commenced.*

XXIX. Item, *That if the Hollanders and other Confederate States, will propose conditions of pacification with the most Renowned King of Spain and his Successors, through the means of the most Renowned King of Great*

Britain: The said most Renowned King of Spain and his Successours, will always willingly harken unto that which shall be proposed just and reasonable therein; and will desire that by the help of the said most Renowned King of Great Britain, they may be brought to propose equal conditions, wherein they shall well understand, how much the said King of Spain doth attribute unto the Authority of the said King of Great Britain his loving brother.

XXX. Item, It is concluded and accorded, that in this present Treaty of Peace; there be comprehended, the Adherents, Friends, and Confederates of the forenamed Kings, That is to say,

On the part of the most Renowned King of Great Britain, &c.

Ferdinando, Roman Emperour:  
with the Arch-Dukes of Austria  
and the Electors of the Empire,  
together with the States and Cities  
of the Empire.

The Duke of Lorrain.

The Duke of Savoy.

The Dukes of Brunswick, Lu-  
nenburgh, Wirtemberg, and Meckel-  
burgh.

The Landgrave of Hessen.

The Marquels of Baden.

The Dukes of Pomerania.

The Prince of Anhalt.

The Earl of East-Friesland.

The Cantons of Helvetia, and  
the Grisons.

The Hauns Cities.

The French King.

The Kings of Denmark, and of  
Poland, and of Sweedland.

The Duke and State of Venice.

The Duke of Holstein, and the  
Duke of Florence.

On the part of the most Renowned King of Spain.

Ferdinando, Roman Emperour,  
and his Brethren, and other Prin-  
ces, Arch-Dukes of Austria, Prin-  
ces of the Empire.

The Electors, Cities and States,  
subject to the Empire.

The French King.

The King of Poland and Sweed-  
land.

The King of Denmark.

The Duke and State of Venice.

The Duke of Savoy.

The Duke of Bavaria.

The Duke of Cleve.

The Duke of Holstein.

The Duke of Lorrain.

The Duke of Parma and Pla-  
centia.

The Bishop and Province of  
Liege.

The Duke of Florence.

The Duke of Mutine and Regi-  
um.

The Duke of Urbine.

The Confederates and Cantons  
of the Helvetians and Grisons.

The Cities of the Hannse.

The Earl of East-Friesland  
(without notwithstanding any pre-  
judice of the right by the King of  
Spain and Arch-Dukes, pretended  
for their States.)

The Duke and Common-wealth  
of Genoua.

The Principal of the house of  
Columna.

The Prince of Oria.

The Principal of the house of  
Ursine.

The Duke of Sermoneta.

The Lord of Monacho.

The Earl of Mirandula.

The Prince of Massia.

The Earl of Sala, and the Earl  
of Colorno.

XXXI. Item,



XXXI. Item, *It is likewise accorded and concluded, that the said most Renowned Kings, Charles by the Grace of God, King of Great Britain, France, and Ireland, &c. and Philip King of Spain, &c. shall sincerely, and faithfully observe and keep, and procure to be observed and kept by their Subjects and Inhabitants, all and singular the Capitulations in this present Treaty accorded and concluded, neither shall they directly, or indirectly infringe the same, or consent that the same shall be infringed directly, or indirectly by any of their Subjects or Inhabitants: and they shall Ratifie, Authorise and Confirm all and singular the conventions before accorded, and concluded by Letters Patents, Subscribed with their own Hands, and Sealed with their Great Seals, in sufficient, available, and effectual form, and the same so formed and made, shall upon the first occasion deliver, or cause to be delivered faithfully, really, and effectually, whereby they may mutually bind themselves in the word of a King and by Oath to be solemnly taken upon the Holy Evangelists, to observe and perform all and singular the premisses, whensoever they shall be by either part thereunto required. And furthermore they shall cause this present Treaty of Peace to be published in the manner and places accustomed, so soon as conveniently the same may be.*

## By the KING.

Defective Titles, May 27.  
1630.

*An Abstract of the several Heads and Branches for which his Majesties Commissioners, by vertue of his Majesties Commission of Grace, bearing Date the 23. day of January last past, have Power to Compound with such as shall desire the same.*

**F**Or all Mannours, Lands, Tenements, Wafts, Commons, Tythes, arising as well without Parishes, as within Parishes, Wards, Marriages, Liberties, Priviledges, and other Hereditaments, lying, being, and arising within, near, or adjoining unto any of his Majesties Mannours, Forests, Parks, Chases, and elsewhere, as well within the Survey of his Majesties Exchequer, as in the Survey of the Dutchy of *Lancaster*, or County Palatine of *Lancaster*, Dutchy of *Cornwal*, and County Palatine of *Chester*, which are held and enjoyed under colour of some defective, void, or insufficient Grant, or under some Letters Patents of Concealments, or otherwise, meerly intruded upon, and usurped without any Grant thereof from his Majesty, or any of his Predecessors.

For all Mannours, Lands, Tenements, and other Hereditaments, granted Entail out of the Crown, whereof the Estate Tail is not spent, and yet the said Grants have been insufficiently granted; or which ought to have descended upon the Kings Person, and yet have likewise been insufficiently granted, or whereof the Estate Tail is spent and determined, or for all Remainders or Reversions depending upon Estates Tail, except such Estates as Sir *William Haydon* had power to Compound for.

For all Mesluages and Cottages built, incroached, and made within, or adjoining unto any City, Town, or Hamlet, or upon the Common High-ways, Streets, Passages, Lanes, Rivers, Sewers, Commons, and Wafts, with all other Encroachments, Assert Lands, Improvements, and Inclosures of Commons, Brecks, Fellets, and such other Inclosures, waste Grounds, Moors, and other Heathy Downes, Inclosed, or not Inclosed, being his Majesties Inheritance, either in the right of his Crown of *England*, or otherwise, lying, and being within, near, or adjoining unto any of his Majesties Mannours, Forests, Parks, Chases, or elsewhere. For all Lands, Marishes, or other Grounds (with the Tenements thereupon built) heretofore recovered or deserted from, or by the Sea, or now surrounded with Sea; or which hereafter shall or may be recovered and deserted by or from the Sea.

For all Custodies, and all Mannours, Lands, and Houses, granted, or committed (to any Corporation, or other Person or Persons, Bodies Politick or Corporate) to Custody, with all such Mannours, Lands, Tenements, and other Hereditaments formerly let by Leases, and the Leases expired, or otherwise determined, whereby the Inheritances of the said Premisses do remain, and the Reversions thereof are come unto the Crown, and yet, without any just Title thereunto, detained from the Crown.

For all Charters of Incorporations, which are either void or defective, with all Leases and Grants of Offices by Usurpation, by Corporations, Cities, Burroughs, and Towns; or by any other Person or Persons which are forfeited and determined in Law, by Non-usage, or misusage



misusage thereof ; or by exceeding the Extents and Limits of the said Grants ; or by the usage thereof without any Grant thereof at all from the Crown. All Mannours, Lands, Tenements, and other Hereditaments which ought to come unto his Majesty, by any manner of Elcheat or Forfeiture whatsoever, or which might otherwise come unto his Majesty, by any which are Aliens born, all Felons goods, all Goods, Chattels and Credits of Felons *de se*, Fugitives and Persons Outlawed, Deodands, Wayfes, Estrayes, Reliefs, Herriots, and other Perquisites of Courts, with all Tolls of all kinds usurped, or unjustly withholden from the Crown. For all Woods, Under-Woods, and Wood-grounds wrongfully withholden, intruded upon, incroached, or wasted to his Majesties prejudice, with all the Damages which ought to be answered unto his Majesty, or his Predecessors for the same.

For all Rents, Annuities, Quit-Rents, Annual Payments, and other yearly Sum and Sums of Money due unto his Majesty out of any Mannour, Lands, Tenements, and other Hereditaments, by any Corporations, or other Burroughs, Towns, or any other Person or Persons, Bodies Politick or Corporate, which have not been duly answered by them unto the Crown: With all Mannours, Lands, Tenements, and other Hereditaments, which ought to be in Charge, and are not, but some Fee-Farm Rent only answered in lieu of the Land, or where both the Lands and Rents stand in Charge, and the Rents answered, and yet the parties enjoying the Lands, never had any Grant thereof from the Crown, or where the Lands stand in Charge as Lands, and yet the Rents stand not in Charge, nor yet answered unto the Crown by them that pretend Interest in the said Lands.

The aforesaid Commissioners to Bargain, Grant, and Sell any of the Premises ( which are not settled by the within named Act ) in Fee-Simple, Fee-Farm, Fee-Tail, for term of Life, Lives, or Years, unto such Person and Persons as are the present Possessors of the said Premises ; or otherwise to make unto them such other Releases and Discharges, as their several Cases shall require. But upon their refusal or wilful neglect of this his Majesties intended Grace ( by not accepting the same within the time limited ) the Commissioners to sell any of the Premises to such others as shall be Suitors for the same. And for the surrounded Grounds, and such like, where there is no present Possessors, the Commissioners to sell those Lands to such as will Compound for the same.

And where the Tenure appeareth upon Record, the former Tenure is to be reserved : But where no Tenure appeareth upon Record, there the Tenure is to be in Socage.

And *Robert Shipper of Grayes Inn*, his Majesties Servant, is to attend the said Commissioners in the Execution and prosecution of the said Commission.

October 12. 1632.

A

# DECREE

In the STAR-CHAMBER,

About Counterfeiting of Seals to COLCHESTER Bays.

*In Cam. Stell. coram Conc. ibid. xii. die Octob. Anno Octavo CAROLI Regis.*

ONE *Thomas Jupp* a Cloathworker of the City of *London*, being at the Bar of this Court, His Majesties Attorney General informed this Court, that he had taken the Examinations of the said *Thomas Jupp*, concerning the Counterfeiting of Seals usually affixed to the Bayes of *Colchester*, and fixing them to other Bayes of meaner condition, and shewed forth certain Iron Stamps and pieces of Bayes, Sealed some with the true Seals of that Town; attesting that some of them were truly wrought, and that others of them were deficient, and others of them Sealed with Counterfeit Seals, put to Bayes not of the making of *Colchester*, but of less estimation, which being shewn to the said *Thomas Jupp*, he acknowledged his Confession made upon that Examination to be true, and that these Stamps and pieces of Bayes came from his hands to His Majesties Attorney; which Confession followeth in these words.

The Examination of *Thomas Jupp*, of *Abchurch-Lane* in the City of *London*, Cloathworker, taken before *William Noy*, His Majesties Attorney General the fifth day of *September*, in the Eighth year of His Majesties Reign. He saith that in *July* last he bought in *Leaden-Hall* Bay Market of *John Bryan* of *Bocking*, one hundred and ten *Flemish* Ell of *Mynikin* Bayes of *Bocking* making, at 21 d. ob. the Ell, and three other Pieces of about fifty like Ells, the Piece at 1 L 13 s. ob. the Ell.

He saith also that *Colchester* Bayes are commonly somewhat dearer than the Bayes of *Bocking*.

He taketh it that *Colchester* Bayes sell better beyond the Seas than other Bayes, and hath long been of that opinion.

He saith that he having long been a Workman, is able to discern a *Colchester*, or *Sandwich*, or *Bocking* Bay one from another, but other men that are not Workmen, discern them by their Seals.

He saith that he bought these Bayes for one *Goddard* a Sea-faring man, that abiding about *Deptford*, but what his Christian name is he knoweth not, but thinketh it is either *George* or *William*, and that he was allowed no more in those Bayes but as he paid for them, save for his Labour in Buying and Bailing of them, and Canvas, he had about 25 s. and for some other Labour.

He



He confesseth when the Bayes had been bought, *Goddard* asked the Examinant how he should do for Seals, and the Examinant told him he would do his endeavour or the best he could to grace his Commodity.

And further acknowledgeth that when the Bayes were brought to the Examinants house, he put Seals to them like the *Colchester* Seals used for Bays, and saith that the Seals shewn to him by the Attorney General, in one side whereof is depicted a Griffin or a Dragon, and the other side three Crowns, which he takes to be the Arms of *Colchester*, and on another is written *D.W.S. Colchester Bay, 1571.* were Stamped on by himself, but it is Bunglerly and not well done: And those Seals that he put to one of those Bayes, is closed up in a Paper Sealed by the Attorney and the Examinant.

He saith that those Depictures are Graven in Iron, and that the Irons are in the Examinants keeping. And he saith that he will deliver the Stamps to the Attorney General.

Being demanded who did grave those Irons which he used for Seals, he saith that he knoweth not who did grave them, but saith that some of them were graved in *Foster-Lane* about half a year since, and the Examinant paid for the graving of them, for some of them more, and for some less.

*Thomas Jupp, William Noy.*

Upon *Friday* the seventh day of the same *September*, the said *Thomas Jupp* being again Examined, delivered to the Attorney General seven Iron Stamps, in one a Griffin, in another three Crowns, in another *D.W.S. Colchester Bay, 1571.* in the other four several numbers are Graven, and then being told that it appeareth by two of the Stamps that they had often Stamped, and demanded how long he hath had them, saith at one time, that he hath had them about half a year, at another time about a year: he saith that one *Thomas Downs* who is in *Ireland*, as he hath heard, did deliver them unto him at his last being in *England*, but remembreth not the time. Being demanded for whom he hath Stamped any Seals besides *Goddard*, he refuseth to declare.

He saith that the Buyers do commonly buy Bayes for *Colchester* Bayes without further enquiring than view of the Seal.

He saith that those Stamps do differ from the Seal of *Colchester*.

He saith that the Seals of Lead shewn unto him Sealed up in Paper by him and the Attorney General, were made of the Stamps, now produced by him, by himself without the help of any other, and fixed to one of the Bayes which the Examinant bought and delivered to *Goddard*, as he formerly declared.

He saith that the ordinary price for Baling of five Bayes in Canvas Ropes and Labour comes to about eight shillings, and if in three Bales it comes to about a Mark, and those Bayes were made up in three Bales.

The Iron Stamps are bound up in a piece of Canvas, which he hath Sealed and remaineth with the Attorney General. *Tho. Jupp, William Noy.*

Upon *Friday* the fourteenth of the same *September*, in presence of the Examinant and of the Attorney General and others, one piece of the Bayes which he Sealed with the Counterfeit Seals, was brought and shewn to the Examinant which he confesseth to be the same which he Sealed for *Goddard*, and saith that it is no *Colchester* Bayes, and he knows it by the Work. At the same time two other pieces of Bayes were brought and shewn to him, which he knew by the Work (himself being

a Workman) to be *Colchester Bayes*, whereof one hath the whole Seal and is not faulty, the other is marked as Faulty, by cutting off a piece and fixing the Seal at the Angle. And he saith that the Bay marked as faulty, is better than the *Bocking Bay* which he Sealed with the whole Seal.

The Examinant also saith that he hath often made the faulty Bayes have the whole Seal, by cutting off the puckle of the Bay at the Angle, and drawing it and fixing that Seal in another place, so as in view it is Sealed with the whole Seal, which he did shew the manner in the presence of the Attorney and others, and saith that he hath so done above a hundred and a hundred times for Merchants, and many of them he hath done within this month, a piece of each Bay remaineth with the Attorney marked by the Examinant.

*Thomas Jupp, William Noy.*

Which being Read, and view taken by their Lordships of those pieces of Bayes, and the Stamps and Seals, His Majesties Attorney General humbly prayed their Lordships that some exemplary punishment might be inflicted upon the said *Tho. Jupp*: whereupon their Lordships taking into consideration the many Laws that have been provided for the true Draping of the Wooll of this Realm; by Ordaining the Searching, Measuring, Marking, Affixing Seals of divers places where they are Draped, and the publick Seals of the Alnager unto the Cloths; that the people of this Town of *Colchester* and of the parts adjoyning, receive a great part of their sustenance by making of Bayes; that for many years past, by occasion of the careful search there made, they have been truly and not deceitfully made, and of a known goodness; that such of them as are fully wrought are Sealed with a Seal attesting their goodness: if upon search any prove not so good, they are marked for such, so as the Buyers both within the Realm and abroad may be ascertained of the goodness of the Merchandize by view of the Seal, wherein (the Law requiring it) such great care hath been had from time to time, that upon the credit of the Seal alone they were plentifully and readily vented in all places. And albeit there had not been hitherto any discovery made of Delinquents in this kind: Yet their Lordships taking into their serious consideration, that the offence of the said *Thomas* is a false Cousenage, by which the Buyers being deceived, will not be so ready to Buy any other Cloths upon the credit or attestation of the Seals, so as the good, and true Workers of Cloth will not receive encouragement to make true Workmanship as they were wont, but be enforced for vent, to make their Cloths like unto those whereunto such Counterfeit Seals shall be affixed, and in time produce a disaffiance to the attestations of the Seals, whereof will ensue many inconveniencies; and they can foresee that if this new falsity should be unpunished it will grow further abroad.

And therefore their Lordships have thought Fit, Ordered, Adjudged, and Decreed that the said Delinquent, *Thomas Jupp*, shall stand and be Committed to the Prison of the *Fleet* during His Majesties pleasure, and not to be thence enlarged until he shall discover and make known the names of such Merchants for whom he hath used and practised the said deceit. And if at any time His Majesty shall be pleased to enlarge the said *Jupp*, It is then Ordered before his enlargement he shall find good Sureties for his Good Behaviour.

And it is also Ordered and Decreed, that the said Delinquent shall pay a Fine of one thousand pounds to His Majesties use.

And



And the Court doth further declare, that if in case the said *Jupp* shall continue stubborn and shall refuse to discover the names of such Merchants or other Tradesmen for whom he hath used and practised the aforesaid fraud and deceit, their Lordships do reserve a power of inflicting some further Compulsory means to cause him to confess their names.

And to the end the world may take notice how much this Court doth dislike and condemn such notorious Cousenages and Deceits, their Lordships have further Ordered, Adjudged and Decreed that the said *Thomas Jupp* shall on some Market day be set upon the Pillory in *Cheapside*, with a Paper on his Head, wherein shall be inscribed words declaring the nature of his offence. At which time it is also thought fit and Ordered that this Decree shall be publickly Read, and that several Copies be thereof Printed, and set up upon Posts and other eminent places about and near the the said Pillory, to remain there, so as the cause of his Punishment may be generally known, and other like lewd persons deterred from committing the like offences.

And it is further Ordered and Decreed, That the said *Jupp* shall in like manner be set upon the Pillory in *Cornhil* and against the *Exchange*, at *Blackwel-Hall*, *Bocking* and *Colchester*, upon several Market days, with the like Paper on his Head, inscribed as is aforesaid. At all which said several times and places it is Ordered, that this Decree be publickly Read, and that several Printed Copies of this Decree shall also be set up on several eminent places, on, and about, and near the said places and Pillories, to remain there for the purposes aforesaid, and specially at *Blackwel-Hall*, the Officers there shall continue the said Printed Copies upon Posts and open Places, in, and about the said Hall so long that the Clothiers of all parts of the Kingdom coming thither may have notice thereof, whereby it may be divulged in all the Clothing Towns and Countries in the Kingdom, how unlawful and how dangerous it is to use any falsities and deceits tending to the discredit of the Clothing of the Realm, and how careful His Majesty, and the State and all His Courts of Justice will be to see the same severely punished.

And Lastly, to the end such Merchants or other Tradesmen as have set this Delinquent or any other Clothworker at Work, to practise this deceitful Sealing of Bayes, may be known and discovered, The Court doth hereby publish and declare, that such person or persons as shall make such discovery, and bring the Delinquents to receive the Sentence of this Court, shall for their reward have half the Fine or Fines which shall by this Court be imposed upon them. And if any Clothworker who have used and practised such deceit shall discover their Procurers and Encouragers, such persons so confessing, shall receive the mercy and favour of this Court.

*The Decree at large concerning Depopulation against  
Sir Anthony Roper, in the Court of Star-  
Chamber.*

*In Camera Stellata coram Concil. ibidem decimo die Octobris  
Anno decimo Caroli Regis.*

**T**His day came to be heard the matter of Complaint exhibited into this Court by his Majesties Attorney General upon the prosecution, and by the Relation of *John Philpot* Esquire, against *Sir Anthony Roper* Knight Defendant, for Depopulation, converting great quantities of Land into Pasture, which formerly, for the space of about Forty years, had been Arable, used to Tillage, and occupied as belonging to several Farm-houses, and houses of Husbandry in the Parish of *Farmingham* in the County of *Kent*, and for suffering the said Farm-houses, with their out-houses, to be ruined, and uninhabited, and one Water-Grist-Mill to decay and go to ruine, as by the said Information more fully and at large it doth and may appear upon full and deliberate hearing, whereof it plainly and evidently appeared to this Honourable Court by the Testimonies of several good and sufficient Witnesses, this day openly read in Court, that the said Defendant being seized in Fee of Five several ancient Mesuages, and Farm-houses, and of a Water-Grist-Mill, lying in *Farmingham*, *Evesford*, *Horton*, *Kirby*, and *Knightdown*, in the County of *Kent*; One of which was called *Pethams Place*, or *Pethams Farm*, late in the occupation of *Thomas Newington*; to which Farm anciently belonged and was used, as Arable, one hundred, or one hundred and twenty Acres of Land, and whereupon was usually kept one or two Plows, and divers Servants employed in and about the Tilling, Manuring, and Husbanding thereof, to the great benefit of the Common Wealth, and of his Majesty. One other Farm-house, late in the occupation of *John Newington*, whereunto belonged, and was anciently used one hundred and forty Acres of Land as Arable, and whereon was usually kept one Plow for Husbandry, and half a dozen Servants employed in the Husbandry thereof. One other Farm, late in the occupation of one *Roger White*, whereunto also anciently belonged, and was used six or seven score Acres of Land as Arable, and for Tillage by the said *Roger White*, who ordinarily kept and employed six Servants in the Husbanding thereof. One other Farm, heretofore in the Tenure or occupation of *Francis Best*, whereunto was anciently used one hundred and twenty Acres of Land for Tillage, whereon one Plow was usually kept, and several Servants employed in the Plowing, Manuring, and Husbanding thereof: And one other Farm, heretofore in the occupation of one *John Best*, whereunto was anciently used one hundred and six Acres of Land for Tillage and sowing of Corn, whereon one Plow and six Servants were usually kept and employed in the Husbanding of the said Corn-Land; and all the said several Farms, when they were used in Tillage, were furnished with sufficient Houses, Barns, and Out-houses, necessary for Farmers to dwell in, who sold and vented to  
London



*London* and elsewhere yearly about forty or fifty Quarters of Wheat, besides other Grain, out of each Farm one with another, and many poor men and women were then and there set on work, and about twenty persons fit for War were maintained in and upon the said Farms; as also several Carts ready and fit to do his Majesty service, in carrying Timber for repair of his Navy, and otherwise, which the said Defendant nothing regarding, but respecting his own Commodity above the general good of the King, Country, and Commonwealth, hath of late years taken into his own occupation all the said several Farms, and converted all the Lands thereunto, formerly used for Tillage, into Pasture, to the great decay of Husbandry in those parts, although he might have had sufficient Tenants for them, that would have given as great or greater Rents for the said several Farms than they were formerly let for, and hath also depopulated and pulled down three of the said Farm-houses, and suffered the other two to run to ruine, and to lie uninhabited; in so much, that whereas in former times one of the said Farms, called *Pelham's Place*, was a great defence and succour to Travellers who passed that way; the same, since the Depopulation thereof, have been a harbour for Thieves, and many Robberies hath been thereabouts committed, and moneys recovered by the robbed persons from the Hundred, which, together with the want of those Plows which were formerly kept there, hath been a great burden to that part of the Country, there being never a Cart now kept upon any of the said three Farms. And it also further appeared that the said Defendant hath not only Depopulated the said several Farms, and converted the Arable into Pasture, but hath in like sort, to the great inconvenience and prejudice to the said Town of *Farmingham*, pulled down, and suffered to go to decay, and be uninhabited one Water Corn Mill, which heretofore ground good store of Corn weekly. Upon grave and deliberate consideration of all which matters the Court did with a joynt Consent and Opinion declare, that the said Defendant was clearly guilty of the said Depopulation, and converting his Arable into Pasture, wherewith he is charged by the Information in manner as before is expressed, and that the said offences are punishable by the Common Law of this Kingdom, and fit to be severely punished the rather for that it is a growing evil, and hath already spread itself into very many parts of the Kingdom; and mean time if it be not met withal, and prevented by the just Censure of this Court, grow very prejudicial and dangerous to the State and Commonwealth, and therefore their Lordships hold him to be a very great Offender, shall stand and be committed to the Prison of the *Fleet*, and pay a Fine of 4000 *l.* to his Majesties use, and, at the next Assizes to be held for the said County of *Kent*, shall in the open Court, the Judges and Justices there sitting, acknowledge his said offences; at which time and place, for the better manifestation of his Offence to the Country, and to the end others seeing his punishment may thereby hereafter be warned to forbear to commit the like offences: It is ordered that this their Lordships Sentence and Decree shall be publickly read, and further the Court considering and commending the pains, care, and travel taken by the Relator in bringing this Cause to Judgment, and being satisfied upon hearing of the Cause, that the Poor of the said Parish of *Farmingham*, and the Minister there have been severally damnified by the said Defendant; their Lordships have further ordered and decreed, that the said Defendant shall pay unto the said Relator a hundred pounds for a recompence of his

Travel, besides his Costs of suit; and to the Minister of the said Parish of *Farmingham* one hundred pounds; and to the Poor of the said Parish one hundred pounds, to be distributed to, and amongst them, at the discretion of four of the next Justices of the Peace adjoining to the said Town of *Farmingham*. And lastly, the Court hath ordered, that the said Defendant shall within these two years repair and build again all the said Farm-houses, with their Out-houses, and the said Corn-Mill fit for habitation and use as formerly they were, and shall restore the Lands formerly used and let with the said Farms to the said Farm-houses again, and let and demise the said several Farms to several Tenants for reasonable Rents such as the Country will afford, and that all the said Lands shall be again plowed up, and used for Tillage, as formerly it hath been.

A



*A Decree in Star-Chamber concerning the Soap-boylers,  
in pursuance of a Censure of that Court upon May 10.  
1633. 9 Car.*

*In Camera Stellata coram Concilio ibidem, Vicesimo tertio die Augusti,  
Anno Nono Caroli Regis, &c.*

**W**Hereas Mr. *Noy*, his Majesties Attorney General hath informed this Court, That the King's *most Excellent Majesty*, by his *Highness* Letters Patents, under the Great Seal of *England*, bearing Date at *Westminster* the Seventeenth day of *December*, in the Seventh year of his Majesties Reign, for the Reasons, Causes, and Considerations in the said Letters Patents expressed, did give and grant to *Roger Jones*, since deceased, and to *Andrew Palmer*, Esquires; and also to *Sir William Russel* Baronet, *Sir Basil Brooke*, *Sir Richard Weston*, *Sir Edward Stradling*, *Sir Rich. Bettison*, Knights; *George Gage*, *Thomas Jones*, *Beverly Bretton*, *Thomas Russel*, *Thomas Jennings*, *Thomas Hicks*, and *Albertus Belton*, Esquires, and to *Robert Carver* Gent. a Patent of Priviledge, for the Term of *Fourteen years*, for the sole making of *Hard Soap*, and *Soft Soap*, with such Materials as by them have been *newly Invented*, and in such manner as in the said Letters Patents, and others Letters Patents therein recited appeareth. And for the burning and preparing of Pot-ashes, and other Ashes of *Bean-straw*, *Pease-straw*, *Fern*, *Kelp*, and other Vegetables to be found in his Majesties own Dominions for the making of Soap, not formerly or ordinarily used or practised by others within the said Realm, Dominions, and Town of *Barwick*, but by them newly invented, and devised, and also of the using of the *Assay-Glass* for Trying of their Lee. In, and by which Letters Patents there was careful provision made for the true making of the said Soaps for the use of the Kings People, and for the searching and making thereof to distinguish the same from other Soaps. And for the selling of the same at, and for reasonable Prices, as by the said Letters Patents do at large appear. And his Majesties said Attorney further informed this Court, that because his Majesty in his great wisdom foresaw, that without government of that Trade it would soon fall to disorder. Therefore for the better regulating and ordering of the said Works, his Majesty did by other Letters Patents, under the Great Seal of *England*, bearing Date at *Westminster* the *Twentieth day of January*, in the Seventh year of his Majesties Reign, incorporate divers persons of principal worth and quality, who had been Adventurers in the said Works, by the name of *Governours*, *Assistants*, and *Fellows* of the *Society of Soap-makers* within the *City of Westminster*, in the County of *Middlesex*, to have perpetual succession, and to them had given and granted divers Powers and Authorities for the preventing of Frauds and deceits, and other abuses in that Trade and Manufacture. And afterwards by his Majesties special Commandment signified by his Writ in that behalf the said Grant of Priviledge for making of Soap and Pot-ashes with the Powers and Authorities to the said Patentees named in the said Patent of the Seventeenth of *December*, granted as aforesaid,

were

were by them assigned unto the said Governour, Assistants, and Fellows, and their Successors, and in respect thereof the said Governours, Assistants, and Fellows of the said Society by *Indenture bearing date the Third day of May, in the Eighth year of his Majesties Reign*, did covenant, promise, and agree to, and withour said Sovereign Lord the King, his Heirs and Successors, to do and perform divers things in that Indenture particularly mentioned for, and concerning the perfecting of the said Works, and the furnishing of this Kingdom with sufficient quantities of sweet and good Soap, and to sell the same at, and for reasonable Prices, not exceeding the price of Three Pence the pound, which was a cheaper rate than other sweet and Merchantable Soap was usually sold for. And his Majesties said Attorney further informed this Court, That when his Majesty had thus provided for the sufficient Quantity, and reasonable Prices of the said Soaps out of his Princely care for the good of his People, foreseeing that the goodness of the said Soaps might soon decline and decay, unless by the continual care and pains of some trusty and diligent Officer a watchful eye were had to search and try all the Soaps that should be made and uttered, to see that the same were answerable in goodness to the first Pattern or Standard. His Majesty, by other *Letters Patents*, bearing Date the *Eighth day of June*, in the Eighth year of his Majesties Reign, did ordain, constitute, and appoint, *that for ever then after there should be an Office*. And did thereby, for him, his Heirs, and Successors, erect, create, and make an Office to be, and to be called the Office for keeping the Patterns, and making of the Assay of Soaps to be made by the said Governour, Assistants, and Fellows who shall be called the Assay-Master for Soaps to be made by the said Governours, Assistants, and Fellows. And thereby did appoint in what manner the said Officer, having first taken a Corporal Oath to that purpose, should execute the said Office without any trouble or charge to his Majesties Subjects which should buy the said Soaps. And his Majesties said Attorney further informed this Court, that his Majesty in his Royal Care for the wealth and prosperity of his Loving Subjects, *intending to advance the Native Commodities of this Realm*, the setting of his own People at work, and the saving of the expence of the Treasure of this Kingdom, which unthriftilly and unnecessarily was spent in buying and importing of Foreign Materials for the making of Soap from other Kingdoms, to the enriching of them, and the impoverishing of his Majesties own Kingdoms to a great yearly Sum. And purposing to prevent or severely to punish all frauds and deceits in the making of Soap with Foreign or unsweet materials, and the excessive Rates in the sale of Soaps, as formerly it was practised by the Soap-boylers, being no body Politick, nor governed by any good Orders, or Constitutions regulating their Trade, but being a few singular Persons who took this advantage to enrich themselves, to the wrong and prejudice of his Majesty, and his loving Subjects in general, who had no ordinary means to right themselves therein: To the end that all his Loving Subjects might take notice of this his Princely care and providence for them herein: By his Highness *Proclamation*, given at the Court at *Greenwich* the *Eight and Twentieth day of June*, in the said *Eighth year* of his Majesties Reign, did streightly charge and command as well the said Governour, Assistants, and Fellows of the said Society, who had formerly bound themselves by Covenant with his Majesty to a Regularity in that behalf, as all others not being of that Society, which should then after make any Soaps, that they should use no other Oyl in making that Soap, but



but Oyl Olive and Rape Oyl, as had been long sithence decreed by the Mayor and Aldermen of *London*. That by that means the Soap might be good, sweet, and serviceable, according to the Patterns delivered up to the Assay-Master. And did also thereby strictly inhibit that no Person or Persons should import, or cause to be imported, or brought into this Realm, or Dominion of *Wales*, any unsweet or unserviceable Soaps, and also that none presume to put to sale, or vent any Soaps, Potashes, Soapashes, Berrillia, or Soade, of what nature soever, before they shall be assayed and tried by the Searchers, to be assigned, and yearly to be chosen by the said Governours, Assistants, and Fellows, and the Assay-Master for the time being, or some of them, and by them, or him found to be good, useful, and serviceable, and so marked by them, or their Deputies, with the Mark appointed for that purpose, being the *Flower-de-luce*; if any such Officer shall reside in the Towns where such putting to sale thereof shall be; and, being required, will search and try the same without Fee or Salary. *Notwithstanding all which*, divers Soap-boylers, inhabiting in, and near about the City of *London*, and places adjacent, have with much contempt opposed themselves against all the said several Letters Patents and Proclamation, and have endeavoured, to the utmost of their powers, to frustrate his Majesties said gracious Intentions; and did, *contrary* to the said Proclamation, and in contempt thereof, make great quantities of Soap of Fish Oyl, very noysom and unfit for that purpose, and wilfully opposed the Searchers, and Assay-Master, and their Deputies, and refused to suffer them to search, and took upon them, without any Authority given to them, to usurp and to exercise the Liberties and Authorities of a Corporation in holding Assemblies and Conventicles for their own private ends. And to set Prices at what Rates they would sell their Soaps, and to make distribution of what Quantities of Fish Oyl every one should weekly or monthly spend. And to appoint what quantity of Soap should be weekly or monthly made by every one of them.

For which offences and misdemeanours his Majesties said Attorney on his Majesties behalf, on the Two and Twentieth of *November*, in the *Eighth* year of his Majesties Reign, exhibited an Information in this Court against divers of the said Offenders, whereunto *they answered*. And the Cause coming in a Legal way to be heard upon the *Tenth* day of *May*, in this *Ninth* year of his Majesties Reign, the said Defendants were justly Censured by the Decree and Sentence of this Honourable Court. And thereby amongst other things by the Sentence of this Court disabled by themselves, their Workmen, Servants, Agents, or any other, to use or exercise the said Trade of Soap-boyling at any time then after which they had so notably abused. And his Majesties said Attorney now further Informed, that nevertheless, *since the exhibiting of the said Information* into this Court, upon which the said Sentence was grounded, divers other persons, who formerly did not use or exercise the said Trade of Soap-boyling for themselves, have taken upon them to use and exercise the Trade of Boyling and making of Soap, as well in the Houses of divers of the said Persons so sentenced and disabled as in other places, and with their Vessels and Stocks, to the high Contempt of this Court, and the deluding of the said Decree and Sentence, and to the great discouragement of those who would honestly and regularly use the said Trade, and to the encouragement of all such ill-disposed Persons, as for their own private Lucre and unjust gain would oppose a Work so manifestly tending to the publick

publick good, and therefore his Majesties said *Attorney humbly prayed, that in a case of this extraordinary nature*, wherein the *Publick* had so much Interest, this Court would take these things into their Considerations and honourable Cares, and *for the future settle and establish* such order for the *government of this Trade*, which hath long continued irregular, and without any government at all, as may prevent those abuses, which otherwise, without the aid of this Court, cannot be prevented. And for that the Employment and setting on work of so many of his Majesties Subjects in the making of *Pot-ashes* within this Kingdom, and that with the Materials here found, and the saving of the yearly expence of so great Sums of Money for that purpose formerly exhausted out of this Kingdom, to the Diminution of the Stock and Treasure thereof, are works of great weight and consequence, and worthy the Consideration of this Honourable Court, and of all assistance and encouragement for their establishment as matters concerning the State. The Court taking the Premises into their grave Considerations hath therefore thought fit, and so ordered :

I. That the said Governour, Assistants, and Society shall use all diligence to perfect their undertaking with his Majesty for establishing the said Work, wherein this Court will be ready from time to time to give them all just assistance.

II. That the said Company shall on the last day of every *Michaelmas* and *Easter Term*, and oftner, if it shall be required, make true Certificate into this Court, under the hands of the Governour and Assay-Master, and two of the Assistants for the time being, at least of the goodness of the Soap from time to time to be made by them, and whether the Standard be duly renewed, and the Soap made according to the goodness of that Standard.

III. That the Assay-Master for the said Soap do diligently attend, and justly and faithfully search, and Mark all the Soap to be made which shall deserve to be so marked, and do refuse to mark all such Soap as shall be any way deficient in sweetness or goodness, or not answerable to the Standard ; and that no Soap-maker whatsoever presume to put any Soap to sale which shall not be so marked, and be made of the like goodness with the Standard. Nevertheless if it shall hereafter appear to this Court that for any inferiour use, or for other use than washing of Linnen, there shall be cause to make any other sort of Soap of less goodness and sweetness, and consequently of a lower Price : This Court, upon due consideration of the necessity thereof, will give such further Directions therein as shall be fit, and so order the making and uttering thereof that it shall not be an Evasion for the making and uttering of Soap contrary to the true meaning of his Majesty, and of this Court, to the abuse of the Kings Subjects.

IV. Because it hath already clearly appeared both to his Majesty and to this Court by the Certificate of Sir *Robert Duncy* Knight and Baronet, late Lord Mayor of the City of *London*, and here remaining of Record ( to whom the Examination thereof was specially referred ) That the said Governour, Assistants, and Society of the Soap-makers of *Westminster* have brought the making of Soap with the Pot-ashes, and other Materials of this Kingdom, and of his Majesties own Dominions to that perfection that it exceedeth the best *London* Soap in the goodness thereof, and for that it doth also in the easiness of the Price, the same being by them undertaken to be sold at, and after the rate of Three Pounds and Four Shillings



Shillings the Barrel, which is Three Pence the pound, and not above. And the same appeareth likewise to be true by the Oath of *Francis Conningsby* Esquire, the present Assay-Master for Soap, appointed by his Majesty, which Oath remaineth in this Court recorded. It is therefore thought fit, and so ordered and Decreed, that no soft Soap shall hereafter be uttered or sold by any Soap-maker, his or their Factors, Workmen, or Servants, for above the said rate or price of Three Pounds and Four Shillings the Barrel, which is Three Pence the Pound. And if any such Person shall presume to sell any soft Soap at or for any greater rate or price, directly, or indirectly, than as aforesaid, every such Person so offending shall be punished by the Censure of this Court as a Person who justly oppresseth the Kings Subjects by excessive prices of Commodities, this Court deeming and adjudging that Price, for the reasons aforesaid, to be a sufficient Price for the best soft Soap. Nevertheless if at any time hereafter, by the increase of Prices of the Materials to be used in making of Soap, it shall be made to appear to this Court that there is just cause to enlarge the Prices of such Soaps to be made by others, then the said Governour, Assistants, and Fellows, then, and not otherwise, and for so long time only this Court will take such order as shall be fit.

V. And forasmuch as this Court is fully satisfied by the former carriage of such persons, who now stand under the Censure and sentence of this Honourable Court, that they have used, and still do use, all the indirect means they can to oppose the reformation of their own former abuses, and the prospering of this new Manufacture, which will be so profitable for the Publick: And do conceive that those other Persons, or most of them, who since the said twenty second day of *November* last, on which day the said Information was exhibited in this Court, have set up a Trade of Soap-making as for themselves, which before they used not, and exercise the same Trade in the Houses, and with the Vessels, and Utensils, and Stock of the said Delinquents, so Censured as aforesaid, have set the same up by some secret Agreements and Compact, with, or on the behalf of the Delinquents, of purpose to delude the Sentence of this Court. And for that it is well known, that before the said 22. of *November* a very few men exercised the Craft of making of soft Soap: And that but a few also were set on work by them, whereas in the making of Soap, and preparing the Materials for that Work, by the ways used by the said Governour, Assistants, and Fellows, a very great number of his Majesties People are imployed, and set on work in making of Soap, and preparing of Materials for it, whereof cometh an Increase of profit to the Commonwealth, and not a detriment. It is therefore further ordered and Decreed, that no Person or Persons, who on the said 22. day of *November* now last past, did not use the said Trade of Soap-making, or Soap-boying for themselves, nor any other Person or Persons, who by reason of his or their Profession or Apprenticeship are capable of using that Trade, shall continue, or set up the said Trade directly, or indirectly, until this Court, upon examination of the true state of each particular Persons Case, desiring or intending to set up such Trade, do receive satisfaction of the Justice of his pretence to use that Trade, and of the convenience and fitness of the place where he intendeth to use or exercise the same, and that he doth not colourably pretend to use that Trade for himself and his own use, where in substance he purposeth to use it for the benefit of some of the Delinquents, and this to continue until this Court shall give other order to the contrary.

VI. It is further ordered and Decreed, that because by the offences of the said Delinquents, and by their disabilities to continue their said Trades, some few Servants and Workmen, formerly imployed by them, or by some others in Soap-making, may be destitute of means for their Livelihood, this Court doth recommend them to the care of the said Governour and Company to imploy them in their Works in some convenient manner; wherein if they shall fail (these Servants carrying themselves faithfully and diligently towards them as is fit) this Court intendeth to settle such a course for their relief as shall be fit, those Servants and Workmen for any thing yet appearing to this Court not having offended, but as they were commanded by their Masters.

VII. And to the Intent that a due search may be had of all Soap hereafter to be made, and so the abusive making thereof, contrary to the said Proclamation, be prevented, it is ordered and decreed, that the Assay-Master and Searchers, or their Deputies, shall from time to time execute their Offices, with a Constable when they shall think fit to require it, by going into the Houses, Work-houses, or Cellars of all those who shall be Makers of Soap, to make search for all Soaps made, and for all Oyls, or other Materials provided for making of Soap, and to Assay as well the Soaps so made, as the Oyls, and other Materials provided for the making of Soap, and that no Person oppose, or hinder, or unnecessarily delay such search to be made, and Assay to be taken.

VIII. And for that it is well known that within these few years last past no soft Soap was made within this Kingdom, but in, and about the Cities of *London*, *Westminster*, and *Bristol*, it is therefore ordered and decreed, for the more conveniency of making such Searches and Assay, as aforesaid, that the said Governour and Company do erect and continue their Work-houses for the making of soft Soap according to their undertaking, as aforesaid, in, or within one Mile of the City of *London* or *Westminster*: And that no other Soap-boiler, or Soap-maker do erect any other Work-houses, or place for making or boiling of Soap but within the Cities of *London* and *Westminster*, or City of *Bristol*, or within a Mile of the said Cities, or in such other place or places as this Court shall upon other good Considerations and Reasons think fit, and first approve of and allow. And that notice be given by those that make or shall make Soap for Sale, to the said Governour and Company, or Assay-Master, of all and every the said places where their Work-houses are, or shall be hereafter erected, before any Trade of Soap-making be there used, lest by the erecting of such Houses in obscure places, or farremote one from the other, the Assay-Master be disabled to perform his Office in the due Searching, Assaying, and Marking of Soap, Oyl, and other Materials, as aforesaid.

IX. And because those who formerly used the Trade of Soap-making, or Soap-boiling are no Body Corporate, nor have any Government or Orders by which they are, or can be regulated, but every singular Person doth that in his Trade which he knoweth most for his private gain and advantage, though never so much to the prejudice of others, or of the Publick: It is therefore ordered and decreed, that all Soap-boilers and Soap-makers, not being of the said Company, shall from henceforth be under the Survey, Rule, and Government of the said Company, and Officers thereof, as well as the proper Members of the said Company, so far forth only as concerneth the Trade, and the true making of the said Soap, and not otherwise, nor to any other purpose, without their own free consent thereunto.

X And



X. And it is also ordered and decreed, that the said Governour, Assistants, and Fellows of the said Society, shall from henceforth from time to time take care that there shall be and continue of the said Society Thirty Persons at the least. And lastly, it is ordered and decreed, That if any Person shall offend against any thing herein contained, ordered, and decreed, every such Person shall incur and undergo such imprisonment, and other punishment as this Court, upon consideration had of the quality of every such offence, shall judge to be fit and just to be inflicted.

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*A Speech delivered in the Star-Chamber, on Wednesday the 16. of June, 1637. at the Censure of John Bastwick, Henry Burton, and William Prinn; Concerning pretended Innovations in the Church. By the most Reverend Father in God, William, Lord Arch-Bishop of Canterbury, his Grace.*

My LORDS,

I Shall not need to speak of the infamous course of Libelling in any kind :

Nor of the punishment of it, which in some cases was Capital by the Imperial Laws. As appears, *Cod. l. 9. T. 36.*

In Jul. c. 75.

Nor how patiently some great men, very great men indeed, have borne *Animo civili* (that's *Suetonius* his word) *laceratam existimationem*, the tearing and rending of their Credit and Reputation, with a gentle, nay, a generous mind.

But of all Libels, they are most odious which pretend Religion : as if that of all things did desire to be defended by a Mouth that is like an open Sepulcher, or by a Pen that is made of a sick and a loathsome Quill.

There were times when Persecutions were great in the Church, even to exceed Barbarity it self : did any Martyr or Confessor, in those times, Libel the Governors? Surely no; not one of them to my best remembrance : yet these complain of Persecution without all shew of cause; and in the mean time Libel and Rail without all measure. So little of kin are they to those which suffer for Christ, or the least part of Christian Religion.

In Apol. 1.  
David. c. 6.

My Lords, it is not every mans spirit to hold up against the venom which Libellers spit. For St. *Ambrose*, who was a stout and a worthy Prelate, tells us, not that himself, but that a far greater man than he, that's King *David*, had found out (so it seems in his judgment 'twas no matter of ordinary ability) *Grande inventum*, a great and mighty invention, how to swallow and put off those bitter Contumelies of the Tongue : and those of the Pen are no whit less, and spread farther. And it was a great one indeed, and well becomed the greatness of *David*. But I think it will be far better for me to look upward, and practise it, than to look downward, and discourse upon it.

Ad Ocean. de  
ferend. Op-  
prob.

In the mean time I shall remember what an Antient under the name of St. *Hierom* tells me, *Indignum est & præposterum*, 'Tis unworthy in itself, and preposterous in demeanor for a man to ashamed for doing good, because other men glory in speaking ill.

And I can say it clearly and truly, as in the presence of God, I have done nothing, as a Prelate, to the uttermost of what I am conscious, but with a single heart, and with a sincere intention for the good Government and Honor of the Church; and the maintenance of the Orthodox Truth



Truth and Religion of Christ Professed, Established, and Maintained in this Church of *England*.

For my care of this Church, the reducing of it into Order, the upholding of the External Worship of God in it, and the setting of it to the Rules of its first Reformation, are the causes (and the sole causes, what ever are pretended) of all this malicious storm, which hath loured so black upon me, and some of my Brethren. And in the mean time, they which are the only, or the chief Innovators of the Christian world, having nothing to say, accuse us of Innovation; they themselves and their Complices in the mean time being the greatest Innovators that the Christian world hath almost ever known. I deny not but others have spread more dangerous Errors in the Church of Christ; but no men, in any age of it, have been more guilty of Innovation than they, while themselves cry out against it: *Quis tulerit Gracchos?*

And I said well, *Quis tulerit Gracchos?* For 'tis most apparent to any man that will not wink, that the intention of these men, and their Abettors, was and is to raise a Sedition, being as great Incendiaries in the State (where they get power) as they have ever been in the Church? *Novatian* himself hardly greater.

Our main Crime is (would they all speak out, as some of them do) that we are Bishops; were we not so, some of us might be as passable as other men.

Burton Apo.  
p. 110.

And a great trouble 'tis to them, that we maintain that our calling of Bishops is *Jure Divino*, by Divine Right: Of this I have said enough, and in this place, in *Leightons* Case, nor will I repeat. Only this I will say, and abide by it, that the Calling of Bishops is *Jure Divino*, by Divine Right, though not all Adjuncts to their Calling. And this I say in as direct opposition to the Church of *Rome*, as to the Puritan humor.

And I say farther, that from the Apostles times, in all ages, in all places the Church of Christ was governed by Bishops: and Lay-Elders never heard of, till *Calvins* new-tangled device at *Geneva*.

Now this is made by these men, as if it were *Contra Regem*, against the King, in right or in power.

But that is a mere ignorant shift; for our being Bishops, *Jure Divino*, by Divine Right, takes nothing from the Kings Right or Power over us. For though our Office be from God and Christ immediately, yet may we not exercise that power, either of Order or Jurisdiction, but as God hath appointed us, that is, not in his Majesties, or any Christian King's Kingdoms, but by and under the power of the King given us so to do.

And were this a good Argument against us, as Bishops, it must needs be good against Priests and Ministers too; for themselves grant that their Calling is *Jure Divino*, by Divine Right; and yet I hope they will not say, that to be Priests and Ministers is against the King, or any His Royal Prerogatives.

Next, suppose our Callings, as Bishops, could not be made good *Jure Divino*, by Divine Right; yet *Jure Ecclesiastico*, by Ecclesiastical Right it cannot be denied. And here in *England* the Bishops are confirmed, both in their power and means, by Act of Parliament. So that here we stand in as good case, as the present Laws of the Realm can make us. And so we must stand, till the Laws shall be repealed by the same power that made them.

Now

Now then, suppose we had no other string to hold by (I say suppose this, but I grant it not) yet no man can Libel against our Calling (as these men do) be it in Pulpit, Print, or otherwise, but he Libels against the King and the State, by whose Laws we are Established. Therefore, all these Libels, so far forth as they are against our Calling, are against the King and the Law, and can have no other purpose, than to stir up sedition among the people.

If these men had any other intention, or if they had any Christian or Charitable desire, to Reform any thing amiss; why did they not modestly Petition His Majesty about it, that in his Princely wisdom he might set all things right, in a Just and Orderly manner? But this was neither their intention, nor way. For one clamours out of his Pulpit, and all of them from the Press, and in a most virulent and Unchristian manner set themselves to make a heat among the people; and so by Mutiny, to effect that, which by Law they cannot; And, by most false and unjust Calumnies to defame both our Callings and Persons. But for my part, as I pity their rage, so I heartily pray God to forgive their malice.

No Nation hath ever appeared more jealous of Religion, than the people of *England* have ever been. And their zeal to Gods glory hath been, and at this day is a great honour to them. But this Zeal of theirs hath not been at all times and in all persons, alike guided by knowledg. Now Zeal, as it is of excellent use, where it sees its way; so is it very dangerous Company, where it goes on in the dark: And these men, knowing the disposition of the people have laboured nothing more, than to misinform their knowledg, and misguide their Zeal, and so to fire that into a Sedition, in hope that they, whom they causlessly hate, might miscarry in it.

For the main scope of these Libels, is to kindle a Jealousie in mens minds, that there are some great Plots in hand, dangerous Plots (so says Mr. *Burton* expressly) to change the Orthodox Religion Established in *England*; and to bring in, I know not what, Romish Superstition in the room of it. As if the external decent worship of God could not be upheld in this Kingdom, without bringing in of Popery.

Now by this Art of theirs, give me leave to tell you, that the King is most desperately abused and wounded in the minds of his people; and the Prelates shamefully.

The King most desperately: for there is not a more cunning trick in the world, to withdraw the peoples hearts from their Sovereign, than to persuade them that he is changing true Religion, and about to bring in gross Superstition upon them.

And the Prelates shamefully; for they are charged to seduce, and lay the Plot, and be the Instruments.

For His Majesty first. This I know, and upon this occasion take it my duty to speak: There is no Prince in Christendom more sincere in his Religion, nor more constant to it, than the King. And he gave such a Testimony of this at his being in *Spain*, as I much doubt, whether the best of that Faction durst have done half so much, as His Majesty did, in the face of that Kingdom. And this you my Lord, the Earl of *Holland*, and other Persons of Honour, were Eye and Ear-Witnesses of, having the happiness to attend Him there. And at this day, as His Majesty (by Gods great blessing both on him and us) knows more, so is he more settled and more confirmed, both in the

Truth

You may see it in the Example of St. *Paul* himself, whose very zeal in the darkness of his understanding, which he then had made him persecute Christ and his Church, *Aët.* xxii. 3, 4. And he was very dangerous Company then; for he breathed out threatnings against the Disciples, *Aët.* ix. 1. So true is that of Saint *Greg. Naz. Orat.* 21. *Zelus Iracundiam acuit,* All zeal puts an edge to anger it self. And that must needs be dangerous in the dark.  
Page 5.



Truth of the Religion here Established and in Resolution to maintain it.

And for the Prelates ; I assure my self, they cannot be so base, as to live Prelates in the Church of *England*, and labour to bring in the Superstitions of the Church of *Rome*, upon themselves and it. And if any should be so foul, I do not only leave him to Gods Judgment, but (if these Libellers, or any other, can discover that his base and irreligious falshood) to shame also, and severe punishment from the State : and in any just way, no mans hand shall be more, or sooner against him, than mine shall be.

And for my self, to pass by all the scandalous reproaches, which they have most injuriously cast upon me, I shall say this only,

First, I know of no Plot, nor purpose of altering the Religion Established.

Secondly, I have ever been far from attempting any thing that may truly be said to tend that way in the least degree, and to these two I here offer my Oath.

Thirdly, if the King had a mind to change Religion, (which I know he hath not, and God forbid he should ever have) he must seek for other Instruments. For as basely as these men conceive of me, yet I thank God, I know my duty well both to God and the King : And I know that all the duty I owe to the King, is under God. And my great happiness it is (though not mine alone, but your Lordships and all his subjects with me) that we live under a Gracious and a Religious King, that will ever give us leave to serve God first, and Him next. But were the days otherwise, I thank Christ for it, I yet knew not how to serve any man against the Truth of God, and I hope I shall never learn it.

But to return to the business : what is their Art to make the world believe a change of Religion is endeavoured ? What ? why, forsooth, they say, there are great Innovations brought in by the Prelates, and such as tend to the advancing of Popery.

Now that the vanity and falshood of this may appear, I shall humbly desire your Lordships to give me leave to recite briefly all the Innovations charged upon us, be they of less or greater moment, and as briefly to answer them. And then you shall clearly see, whether any cause hath been given of these unfavoury Libels ; and withal, whether there be any shew of cause to fear a change of Religion. And I will take these great pretended Innovations in order, as I meet with them.

First, I begin with the *News from Ipswich*.

Where the first Innovation is, *That the last years Fast was enjoyned to be without Sermons in London, the Suburbs, and other infected places, contrary to the Orders for other Fasts in former times : whereas Sermons are the only means to humble men, &c.*

To this I say First, That an after-age may, without offence, learn to avoid any visible inconvenience observed in the former. And there was visible inconvenience observed in mens former flocking to Sermons in infected places.

Secondly, This was no particular Act of the Prelates ; but the business was debated at the Council-Table, being a matter of State, as well as of Religion. And it was concluded for no Sermons in those infected places, upon this Reason ; That infected Persons or Families, known in their

their own Parishes, might not take occasion upon those by-days to run to other Churches, where they were not known, as many use to do, to hear some humorous men Preach; For on the *Sundays*, when they better kept their own Churches: the danger is not so great altogether.

Nor Thirdly, is that true, that Sermons are the only means to humble men. For though the Preaching of Gods word, where it is performed according to his Ordinance, be a great means of many good effects in the Souls of men; Yet no Sermons are the only means to humble men. And some of their Sermons are fitter a great deal for other operations: Namely, to stir up Sedition, as you may see by Mr. *Burtons*; for this his Printed Libel was a Sermon first, and a Libel too. And 'tis the best part of a Fast to abstain from such Sermons.

Page 3.

2. The second Innovation is, *That Wednesday was appointed for the Fast-day, and that this was done with this intention, by the example of this Fast without Preaching, to suppress all the Wednesday-Lectures in London.*

To this I answer First, that the appointing of *Wednesday* for the Fast-day was no Innovation. For it was the day in the last Fast before this: and I my self remember it so, above forty years since, more than once.

Secondly, if there had been any *Innovation* in it, the Prelates named not the day; my Lord Keeper, I must appeal to your Lordship: The day was first named by your Lordship, as the usual, and fittest day. And yet I dare say, and swear too, that your Lordship had no aim to bring in Popery; nor to suppress all, or any the Wednesday-Lectures in *London*. Besides, these men live to see the Fast ended, and no one *Wednesday* Lecture suppressed.

Page 3.

3. The third Innovation is, *That the Prayer for seasonable weather was purged out of this last Fast-Book, which was (say they) one cause of Ship-wracks and Tempestuous weather.*

To this I say, First in the General; This Fast-Book, and all that have formerly been made, have been both made, and published by the command of the King, in whose sole power it is to call a Fast. And the Arch-Bishop and Bishops to whom the ordering of the Book is committed, have power under the King, to put in, or leave out, whatsoever they think fit for the present occasion; As their Predecessors have ever done before them. Provided that nothing be in contrary to the Doctrine or Discipline of the Church of *England*.

And this may serve in the General for all Alterations, in that or any other Fast-Book or Books of Devotion upon any particular occasions, which may and ought to vary with several times, and we may, and do, and will justifie, under His Majesties power all such Alterations made therein.

Secondly, for the particular. When this last Book was set out, the weather was very seasonable. And it is not the Custom of the Church, nor fit in it self to pray for seasonable weather when we have it, but when we want it. When the former Book was set out, the weather was extream ill, and the Harvest in danger; Now the Harvest was in, and the weather good.

Thirdly, 'tis most inconsequent to say, that the leaving that Prayer out of the Book of Devotions, caused the Ship-wracks and the Tempests,



Tempests, which followed. And as bold they are with God Almighty, in saying it was the cause: For sure I am, God never told them, that was the cause. And if God never revealed it, they cannot come to know it; yet had the Bishops been Prophets, and foreseen these Accidents, they would certainly have prayed against them.

Fourthly, Had any Minister found it necessary to use this Prayer at any one time during the Fast, he might with ease, and without danger, have supplied that want, by using that Prayer to the same purpose which is in the ordinary Liturgy.

Fifthly, I humbly desire your Lordships to weigh well the Consequence of this great, and dangerous Innovation. The Prayer for fair weather was left out of the Book for the Fast; Therefore the Prelates intend to bring in Popery. An excellent Consequence, were there any shew of Reason in it.

4. The Fourth Innovation is, *That there is one very useful Collect left out, and a Clause omitted in another.*

Page 3.

To this I answer First, as before; It was lawful for us to alter what we thought fit.

And Secondly, Since that Collect made mention of Preaching, and the Act of State forbade Sermons on the Fast-days in infected places; we thought it fit, in pursuance of that Order, to leave out that Collect.

And Thirdly, for the branch in the other, which is the first Collect, though God did deliver our Forefathers out of Romish Superstition, yet ( God be blessed for it ) we were never in. And therefore that Clause being unfittingly expressed, we thought fit to pass it over.

5. The Fifth Innovation is, *That in the sixth Order for the Fast, there is a passage left out concerning the abuse of Fasting in relation to merit.*

Page 3.

To this I answer, That he to whom the ordering of that Book to the Press was committed, did therefore leave it out; Because in this Age and Kingdom there is little opinion of meriting by Fasting.

Nay, on the contrary, the contempt and scorn of all fasting ( save what humorous men call for of themselves ) is so rank, that it would grieve any Christian man to see the necessary Orders of the Church concerning Fasting, both in Lent, and at other set times, so vilified as they are.

6. The Sixth Innovation is, *That the Lady Elizabeth and her Princely Children are dashed ( that is their Phrase ) out of the new Collect, whereas they were in the Collect of the former Book.*

Page 3.

For this First, The Author of the News knows full well that they are left out of the Collect in the latter Editions of the *Common-Prayer-Book*, as well as in the Book for the Fast. And this was done according to the Course of the Church, which ordinarily names none in the Prayer, but the Right Line descending. Yet this was not done till the King himself commanded it; as I have to shew under his Majesties hand.

Secondly, I beseech your Lordships to consider, what must be the Consequence here: The Queen of *Bohemia* and her Children are left out of the Collect, therefore the Prelates intend to bring in Popery; For that ( you know ) they say is the end of all these Innovations. Now, if this be the end and the Consequence; Truly the Libellers have done very dutifully to the King, to poison his People with this conceit; That the Lady *Elizabeth* and her Children would keep Popery out of this

R

Kingdom,

Kingdom, but the King and his Children will not. And many as good Offices as these have they done the King quite through these Libels, and quite through his Kingdoms. For my part, I honour the Queen of *Bohemia*, and her Line, as much as any man whatsoever, and shall be as ready to serve them, but I know not how to depart from my Allegiance, as I doubt these men have done.

Page 3.

7. The Seventh Innovation is, *That these words ( Who art the Father of thine Elect and of their Seed ) are changed in the Preface of that Collect, which is for the Prince and the Kings Children.* And, with a most spiteful inference, *That this was done by the Prelates to exclude the Kings Children out of the number of Gods Elect.* And they call it an intolerable impiety and horrid treason.

To this I answer, First, That this Alteration was made in my Predecessors time, before I had any Authority to meddle with these things, further than I was called upon by him.

Secondly, This is not therefore to lay any aspersion upon my Predecessor; for he did in that but his duty: For his Majesty acknowledges, it was done by his special direction, as having then no Children to pray for.

And thirdly, this Collect could not be very old, for it had no being in the *Common-Prayer-Book* all Queen *Elizabeths* time, she having no Issue.

The truth is, it was made at the coming in of King *James*; and must of necessity be changed over and over again *pro ratione Temporum*, as Times and Persons vary. And this is the intolerable Impiety, and horrid Treason they charge upon Us.

In this Method the Innovations are set down in the *News from Ipswich*. But then in Mr. *Burtons news from Friday-street*, ( called his *Apologie* ) they are in another Order, and more are added. Therefore with your Lordships leave I will not repeat any of these, but go on to the rest, which Mr. *Burton* adds.

*Burtons Apology*, p. 2.

8. The Eighth Innovation is, *That in the Epistle the Sunday before Easter, we have put out In, and made it, At the Name of Jesus every Knee shall bow; which alteration, he saith, is directly against the Act of Parliament.*

Here give me leave to tell you it is *At the Name of Jesus*, in the late learned Translation made in King *James* his time. About which many learned Men of best note in the Kingdom were employed, besides some Prelates.

But to this I answer, First, It is true, the *Common-Prayer-Book* was confirmed by Act of Parliament, and so all things contained in it, at the passing of that Act. But I hope if any thing were false Printed then, the Parliament did not intend to pass those slips for current.

Secondly, I am not of opinion, that if one word be put in for another, so they bear both the same sense, that there is any great matter done against the Act of Parliament.

Thirdly, This can make no Innovation. For In the Name, and at the Name of Jesus, can make no Essential difference here. And Mr. *Pryn* ( whose Darling business it hath long been to cry down the honour due to the Son of God, at the mentioning of his saving Name Jesus ) knows the Grammar Rule well, *In a place, or at a place, &c.*

Fourthly,



Fourthly, If there were any error in the change of In into At ; I do here solemnly protest to you, I know not how it came: For authority from the Prelates, the Printers had none; and such a word is easily changed in such a negligent Press as we have in *England*. Or if any altered it purposely, for ought I know, they did it to gratifie the Preciser sort. For therein they followed the *Geneva* Translation, and Printed at *Geneva*, 1557. where the words are, *At the Name of Jesus*. And that is Ninety four years ago; and therefore no Innovation made by us.

In Octavo.

Fifthly, this I find in the Queens Injunctions, without either word, *In* or *At*. *Whensoever the Name of Jesus shall be in any Lesson, Sermon, or otherwise pronounced in the Church ( it is enjoined ) that due reverence be made of all persons, Young and Old, with lowliness of Course, and uncovering of the heads of the men-kind, as thereunto doth necessarily belong, and heretofore hath been accustomed.* So here is necessity laid upon it, and custom for it, and both exprest by Authority in the very beginning of the Reformation; and is therefore no Innovation now.

Injunction 52.

9. The Ninth Innovation is, *That two places are changed in the Prayers set forth for the Fifth of November : And ordered to be read ( they say ) by Act of Parliament. The first place is changed thus, From, Root out that Babylonish and Antichristian Sect, which say of Jerusalem, &c. Into this form of words, Root out that Babylonish and Antichristian Sect ( of them ) which say, &c. The second place went thus in the old: Cut off these workers of Iniquity, whose Religion is Rebellion. But in the Book Printed 1635. it is this altered : Cut off these workers of Iniquity, who turn Religion into Rebellion, &c.*

Pag. 3.

To this I say First, It is a notorious untruth, that this Book was ordered to be read by Act of Parliament. The Act of Parliament indeed is Printed before it; and therein is a Command for Prayers and Thanksgivings every Fifth of *November* : But not one word or syllable for the Form of Prayer : That is left to the Church, therefore here is no Innovation against that Act of Parliament.

Secondly, The Alteration first mentioned, that is, *That Sect, or That Sect of them*: is of so small consequence, as it is not worth the speaking of. Besides, if there be any thing of moment in it, it is answered in the next.

Thirdly, Both for that and the second place, which seems of more moment; and so for the rest, not only in that Book, but that other also for his Majesties Coronation ; His Majesty expressly commanded me to make the Alterations, and see them Printed. And here are both the Books with his Majesties Warrant to each of them. So that herein I conceive I did not offend, unless it were that I gave not these men notice of it, or asked them leave to obey the King.

Against this there can be but two Objections, should Malice it self go to work. *The one is; that I moved his Majesty to command the Change. And the other, that now, when I saw my self challenged for it, I procured his Majesties hand for my security.*

To these I answer clearly ; First, that I did not move the King, directly, or indirectly, to make this change.

And Secondly, that I had his Majesties hand to the Book, not now, but then, and before ever I caused them to be Printed, as now they are. And that both these are true, I here again freely offer my self to my Oath.

And yet Fourthly, that you may see his gracious Majesty used not his power only in commanding this change, but his wisdom also; I shall adventure to give you my Reasons, such as they are, why this Alteration was most fit, if not necessary.

My first Reason is, In the *Litany* in *Hen. VIII.* his time \*: And also under *Edward VI.* \* there was this Clause: *From the Tyranny of the Bishop of Rome, and all his detestable enormities, from all false doctrine, &c. Good Lord deliver us.* But in the *Litany* in *Queen Elizabeths* time this Clause about the Pope was left out, and it seems of purpose, for avoiding of Scandal: And yet the Prelates for that not accounted Innovators, or Introducers of Popery, Now it is a far greater scandal to call their Religion Rebellion, then it is to call their chief Bishop Tyrant.

And this Reason is drawn from Scandal, which must ever be avoided as much as it may.

My second Reason is, that the Learned make but three Religions to have been of old in the world, *Paganism, Judaism, and Christianity.* And now they have added a fourth, which is *Turcism*, and is an absurd mixture of the other three. Now if this ground of theirs be true (as it is generally received) perhaps it will be of dangerous consequence sadly to avow, that the Popish Religion is Rebellion. That some opinions of theirs teach Rebellion, that is apparently true, the other would be thought on, to say no more. And this Reason well weighed, is taken from the very foundations of Religion it self.

My third Reason is, Because if you make their Religion to be Rebellion, then you make their Religion and Rebellion to be all one. And that is against the ground both of State, and the Law. For when divers Romish Priests and Jesuits have deservedly suffered death for Treason, is it not the constant and just profession of the State, that they never put any man to death for Religion, but for Rebellion and Treason only? Doth not the State truly affirm, that there was never any Law made against the life of a Papist, *quatenus* a Papist only? And is not all this stark false, if their very Religion be Rebellion? For if their Religion be Rebellion, it is not only false, but impossible, that the same man in the same Act should suffer for his Rebellion, and not for his Religion.

And this King *James* of ever blessed memory understood passing well, when (in his premonition to all Christian Monarchs) he saith, *I do constantly maintain that no Papist either in my time, or in the time of the late Queen, ever died for his Conscience.* Therefore he did not think, their very Religion was Rebellion. Though this Clause passed through inadvertency in his time. And this Reason is grounded both upon the Practice, and the Justice of the Law.

Which of these Reasons, or whether any other better, were in his Majesties thoughts, when he commanded the alteration of this Clause, I know not. But I took it my duty to lay it before you, that the King had not only Power, but Reason to command it.

10. The Tenth Innovation is, *That the Prayer for the Navy is left out of the late book for the Fast.*

To this I lay, there is great Reason it should. For the King had no declared Enemy then, nor (God be thanked) hath he now. Nor had he then any Navy at Sea. For almost all the Ships were come in, before the Fast-book was set out.

But

\* It was put into the Litany of H. VIII. his time, as appears in his Primer, with his Injunction before it.

\* And it is in both the Service Books of Edward VI. both that which was Printed. 1549. And in that which was after. An. 1552.



But howsoever, an excellent Consequence it is, if you mark it; The Prayer for the Navy was left out of the Book for the Fast, therefore by that, and such like Innovations the Prelates intend to bring in Popery. Indeed, if that were a piece of the Prelates Plots to bring in Popery from beyond Sea, then they were mightily overseen that they left out the Prayer for the Navy. But else what Reason or Consequence is in it, I know not, unless perhaps Mr. *Burton* intended to befriend Dr. *Bastwick*, and in the Navy bring hither the *Whore of Babylon* to be ready for his Christening, as he most prophanelly scoffs.

Well: I pray God the time come not upon this Kingdom, in which it will be found, that no one thing hath advanced or ushered in Popery so fast, as the gross Absurdities even in the Worship of God, which these Men, and their like, maintain both in Opinion and Practice.

11. The Eleventh Innovation is, *The reading of the Second Service at the Communion-Table, or the Altar.*

Page 105.

To this first I can truly say, that since my own memory, this was in use in very many places, as being most proper (for those Prayers are then read which both precede and follow the Communion,) and by little and little this Ancient Custom was altered, and in those places first, where the emissaries of this Faction came to preach. And now if any in Authority offer to reduce it; this ancient course of the Church is by and by called an Innovation.

Secondly, with this the Rubricks of the *Common-Prayer-Book* agree: For the first Rubrick after the Communion tells us, that upon Holy-days, though there be no Communion, yet all else that is appointed at the Communion shall be read. *Shall be read?* That is true, but where? Why, the last Rubrick before the Communion tells us, that the Priest, standing at the North side of the Holy Table, shall say the Lords Prayer, with that which follows. So that not only the Communion, but the Prayers which accompany the Communion (which are commonly called the Second Service) are to be read at the Communion-Table. Therefore if this be an Innovation, it is made by the Rubrick, not the Prelates; And Mr. *Burtons* Scoff, that this *Second Service must be served in for dainties*\*, favours too much of Belly and prophanation.

\* Pag. 105.  
[Then the Second Service as dainties, must be said there.]  
† Pag. 105.

12. One thing sticks much in their stomachs, and they call it an Innovation† too. And that is, *bowing, or doing Reverence at our first coming into the Church, or at our nearer approaches to the Holy Table, or the Altar,* (call it whether you will) In which they will needs have it, *that we worship the Holy Table, or God knows what.*

To this I answer: First, That God forbid we should worship any thing but God himself.

Secondly, That if to worship God when we enter into his house, or approach his Altar, be an Innovation, it is a very old one.

For *Moses* did reverence at the very door of the Tabernacle, *Num. 20. 6.* *Hezekiah*, and all that were present with him, when they had made an end of offering, bowed and worshipped, (2 *Chron. 29. 29.*) *David* calls the people to it with a *Venite*, *O come let us worship, and fall down, and kneel before the Lord our Maker,* (*Psal. 95. 6.*) And in all these places (I pray mark it) it is bodily Worship.

Nor can they say, that this was Judaical worship, and now not to be imitated. For long before *Judaism* began, *Bethel*, the House of God, was a place of Reverence, *Gen. 28. 17, &c.* Therefore certainly, Of, and To God.

And

And after Judaical Worship ended, *Venite, Adoremus*, as far upwards as there is any track of a Liturgy, was the *Introitus* of the Priest all the Latine Church over.

And in the daily Prayers of the Church of *England*; this was retained at the Reformation; and that Psalm, in which is *Venite, Adoremus*; is commanded to begin the Morning Service every Day. And for ought I know, the Priest may as well leave out the *Venite*, as the *Adoremus*; the calling the people to their duty, as the duty it self, when they are come.

Therefore even according to the Service-Book of the Church of *England*, the Priest and the People both are called upon, for external and bodily Reverence and Worship of God in his Church. Therefore they which do it, do not Innovate. And yet the Government is so moderate ( God grant it be not too loose therewhile ) that no man is constrained, no man questioned, only *religiously* called upon, *Venite, Adoremus, Come, let us worship*.

For my own part I take my self bound to worship with Body, as well as in Soul, when ever I come where God is worshipped. And were this Kingdom such as would allow no Holy Table, standing in its proper place ( and such placesome there are ) yet I would worship God when I came into his House. And were the times such, as should beat down Churches, and all the curious carved work thereof with Axes, and Hammers, as in *Psalms* 74. 6. ( and such times have been ) yet would I worship in what place soever I came to pray, though there were not so much as a stone laid for *Bethel*. But this is the misery; it is Superstition now adays for any man to come with more Reverence into a Church, than a Tinker and his Bitch come into an Ale-house; the Comparifon is too homely, but my Just Indignation at the Prophaneness of the times, makes me speak it.

And you my Honourable Lords of the Carter, in your great Solemnities, you do your Reverence, and to Almighty God, I doubt not, but yet it is *versus Altare*, towards his Altar, as the greatest place of Gods Residence upon Earth. ( I say the greatest, yea, greater than the Pulpit. For there it is, *Hoc est Corpus meum*, This is my Body. But in the Pulpit, it is, at most, but, *Hoc est Verbum meum*, This is my Word. And a greater Reverence ( no doubt ) is due to the Body, than to the Word of our Lord. And so, in Relation, answerably to the Throne, where his Body is usually present; than to the Seat, whence his Word useth to be Proclaimed. And God hold it there, at his Word; for, as too many men use the matter, It is *Hoc est verbum Diaboli*, This is the word of the Devil, in too many places, Witness Sedition, and the like to it. ) And this Reverence ye do when ye enter the Chappel, and when you approach nearer to offer. And this is no Innovation, for you are bound to it by your Order, and that is not New.

And Idolatry it is not, to worship God towards his Holy Table; For if it had been Idolatry, I presume Queen *Elizabeth*, and King *James* would not have practised it, no not in those Solemnities. And being not Idolatry, but true Divine Worship, You will, I hope, give a poor Priest leave to Worship God, as your selves do: For if it be Gods Worship, I ought to do it as well as you: And if be Idolatry, you ought not to do it more than I.

I say again, I hope a poor Priest may Worship God with as lowly Reverence as you do, since you are bound by your Order, and by your Oath,



Oath, according to a Constitution of *Henry the Fifth*, (as appears \*) to give due honour and Reverence, *Domino Deo, & Altari ejus, in modum virorum Ecclesiasticorum*; That is, to the Lord your God, and to his Altar (for there is a Reverence due to that too, though such as comes far short of Divine Worship) and this in the manner, as Ecclesiastical Persons both Worship and do Reverence.

\* In Libro.  
Nigro  
de Sandesforiens.  
p. 65.

The Story which led in this Decree is this, King *Henry the Fifth*, that Noble and victorious Prince, returning gloriously out of *France*, sat at this Solemnity; and finding the Knights of the Order scarce bow to God, or but slightly, and then bow towards him and his Seat, startled at it (being a Prince then grown as Religious, as he was before victorious) and after asking the Reason; for till then the Knights of the Order never bowed toward the King or his Seat; the Duke of *Bedford* answered, it was settled by a Chapter Act three years before. Hereupon that Great, King replied, *No, Ile none of this, till you the Knights do it Satis bene well enough, and with due performance to Almighty God.* And hereupon the forenamed Act proceeded, that they should do this duty to Almighty God, not slightly, but *Ad modum virorum Ecclesiasticorum*, as low, as well, as decently, as Clergy-men use to do it.

Now if you will turn this off, and say, it was the Superstition of that Age so to do; Bishop *Jewel* will come in to help me there. For where *Harding* names divers Ceremonies, and particularly bowing themselves, and adoring at the Sacrament, I say, adoring at the Sacrament, not adoring the Sacrament; there Bishop *Jewel* (that learned, painful, and reverend Prelate) approves all both the kneeling and the bowing, and the standing up at the Gospel (which as ancient as it is in the Church, and a common Custom, is yet fondly made another of their Innovations:.) And further the Bishop adds, *That they are all commendable gestures, and tokens of devotion, so long as the people understand what they mean, and apply them unto God.* Now with us the people did ever understand them fully, and apply them to God, and to none but God, till these factious Spirits, and their like, to the great dis-service of God and his Church, went about to perswade them, that they are Superstitious, if not Idolatrous gestures: As they make every thing else to be, where God is not served slovenly.

2 B. Jewels  
reply to Har-  
ding's answer.  
Art. 3. Div. 29.

13. The Thirteenth Innovation is, *The placing of the holy Table Altar-wise, at the upper end of the Chancel, that is, the setting of it North and South, and placing a Rail before it, to keep it from prophanation, which Mr. Burton says, is done to advance and usher in Popery.*

Page 45. 105.

To this I answer, That it is no Popery to set a Rail to keep prophanation from that Holy Table: Nor is it any Innovation to place it at the upper end of the Chancel as the Altar stood. And this appears both by the Practice, and by the Command and Canon of the Church of *England*.

First, By the Practice of the Church of *England*. For in the Kings Royal Chappels, and divers Cathedrals, the Holy Table hath ever since the Reformation stood at the upper end of the Quire, with the large or full side towards the People.

And though it stood in most Parish Churches the other way, yet whether there be not more reason, the Parish Churches should be made conformable to the Cathedral and Mother Churches, than the Cathedrals to them, I leave to any reasonable man to judge.

And

And yet here is nothing done either by violence or command to take off the Indifferency of the standing of the Holy Table either way, but only by laying it fairly before men, how fit it is there should be Order and Uniformity ; I say still reserving the Indifferency of the standing.

But howsoever I would fain know, how any discreet moderate man dares say, that the placing of the Holy Table Altar-wise ( since they will needs call it so ) is done either to advance or Usher in Popery ? For did Queen *Elizabeth* banish Popery, and yet did she all along her Reign from first to last leave the Communion Table so standing in her own Cappel Royal, in *St. Pauls*, and *Westminster*, and other places ; and all this of purpose to advance or usher in that Popery which she had driven out ?

And since her death have two Gracious Kings kept out Popery all their times, and yet left the Holy Table standing, as it did in the Queens time, and all of purpose to advance or usher in Popery which they kept out ?

Or what is the matter ? May the Holy Table stand this way in the Kings Chappel, or Cathedrals, or Bishops Chappels, and not elsewhere ? Surely, if it be decent, and fit for Gods Service, it may stand so ( if Authority please ) in any Church. But if it advance or usher in any Superstition and Popery, it ought to stand so in none.

Nor hath any Kings Chappel any Prerogative ( if that may be called one ) above any ordinary Church to dis-serve God in by any Superstitious Rites. Where, give me leave to tell you, that the King and his Chappel are most jeeringly, and with scorn abused, in the last leaf of Mr. *Burtons Mutinous Appeal*, for such it is.

Secondly, this appears by the Canon or Rule of the Church of *England* too, for it is plain in the last Injunction of the Queen ; That the Holy Table ought to stand at the upper end of the Quire, North and South, or Altar-wise. For the words of the Queens Injunctions are these :

*The Holy Table in every Church* ( mark it I pray, not in the Royal Chappel, or Cathedrals only, but in every Church ) *shall be decently made, and set in the place where the Altar stood.* Now the Altar stood at the upper end of the Quire North and South, as appears before by the Practice of the Church. And there to set it otherwise, is to set it cross the place, not In the place where the Altar stood : And so *Stulti dum vitant vitia* — weak men, as these Libellers are, run into one Superstition, while they would avoid another ; For they run upon the Superstition of the Cross, while they seek to avoid the Superstition of the Altar. So you see here is neither Popery nor Innovation in all the practice of Queen *Elizabeth*, or since.

These words of the Injunction are so plain, as that they can admit of no shift.

And give me leave to tell you, that a very learned Prelate of this Church, and one, whom I think these men will not accuse, as a man like to advance or Usher in Popery, is of the same opinion : It is my Lord the Bishop of *Salisbury*.

Some difference was lately rising about placing the Communion-Table in a Parish Church of his Diocess. The Bishop careful to prevent all disorder, sends his Injunction under his hand and Seal to the Curate and Church-Wardens, to settle that business : In which he hath these two passages remarkable. I have seen and read the Order.

May 17. 1637.

The



The first passage is this; *By the Injunction of Queen Elizabeth* (saith he) *and by Can. 82. under King James, the Communion Tables should ordinarily be set and stand with the side to the East wall of the Chancel.* Therefore this is no Innovation, since there is Injunction and Canon for it.

The other passage is this; *It is Ignorance* (saith that learned Bishop) *to think that the standing of the Holy Table there, relieves of Popery.* Therefore, if it do not so much as relish of Popery, it can neither advance it, nor usher it in. And therefore this is a most odious slander, and scandal cast upon us.

So here is enough both for the Practice and Rule of the Church of England since the Reformation. Now before that time, both in this and other Churches of Christendom, in the East and West ordinarily the Holy Table or Altar stood so; Against this Mr. *Burton* says little.

But the *Lincolnshire* Minister comes in to play the Puritan for that. Concerning which Book (falling thus in my way) and the Nameless Author of it, I shall only say these two things:

The one is, that the Author prevaricates from the first word to the last in the Book, for he takes on him both for the Name and for the placing of the Holy Table, and the like, to prove, that Generally and Universally, and ordinarily in the whole Catholick Church, both East and West, the Holy Table did not stand at the upper end of the Quire or Chancel. And this he must prove, or he doth nothing.

Now when he comes to make his Proofs, they are almost all of them particular, few or none general and concludent; For he neither brings Testimonies out of the General and received Rituals of the Eastern and Western Churches, nor of Fathers and Histories of the Church, which speak in General terms of all, but where they speak of particular Churches only.

So that suppose the most that can be, that is, suppose his quotations be all truly alleaged, and true too in the sense that the Minister takes them (though in very truth, the places, most of them, are neither truly alleaged, nor sensed,) yet they are but exceptions of, and exemptions from the General practice. And you know both in Law and Reason, *Exceptio firmat Regulam in non exceptis.* So that upon the sudden I am not able to resolve, whether this Minister hath done more wrong to himself or his Readers, for he hath abused both.

The other is, that in the judgment of very many learned men, which have perused this Book, the Author is clearly conceived to want a great deal of that Learning to which he pretends: Or else to have written this Book wholly, and Resolvedly against both his Science, and his Conscience.

And for my own part, I am fully of opinion, this Book was thrust now to the Press, both to countenance these Libellers, and as much as in him lay, to fire both Church and State.

And though I wonder not at the Minister, yet I should wonder at the Bishop of the Diocese (a man of learning and experience) that he should give Testimony to such a business, and in such times as these.

And once more, before I leave the *Holy Table, Name, and Thing*, give me leave to put you in mind, that there is no danger at all in the Altar, Name, or Thing. For at the beginning of the Reformation, though there were a Law for the taking down of the Altars, and setting up of Holy Tables in the room of them; yet in some places the Altars were not suddenly removed. And what says the Queen in her Injunction to this?

S

Why,

*Injunction. ultim.*

Why, she says, *That there seems no matter of great moment in this, saving for uniformity, and the better imitation of the Law in that behalf.* Therefore for any danger or hurt that was in the Altar, Name, or thing, they might have been left standing, but for Uniformity, and the Imitation of the Law.

But howsoever, it follows in the same Injunction, *That when the Altar is taken down, the Holy Table shall be set in (not cros) the place where the Altar stood; which (as is aforesaid) must needs be Altar-wite,*

14. The Fourteenth and the last Innovation comes with a mighty Charge, and it is taken out of an Epistle to the Temporal Lords of his Majesties Privy Council. Of which Epistle we got one sheet, and so (for ought I yet know) that Impression staid: In that Sheet is this Charge, The words are,

*The Prelates to justify their proceedings, have forged a new Article of Religion, brought from Rome, (which gives them full power to alter the Doctrine and Discipline of our Church at a blow, as they interpret it) and have seized it (such is their language) into the beginning of the Twentieth Article of our Church. And this is in the last Edition of the Articles, Anno 1628 in a grant of his Majesties Declaration before them, &c.*

The Clause (which they is forged by us) is this: *The Church (that is, the Bishops, as they expound it) hath Power to decree Rites and Ceremonies, and Authority in matters of Faith. (The word is Controversies of Faith, by their leave.) This Clause (say they) is a Forgery fit to be examined, and deeply censured in the Star-Chamber. For it is not to be found in the Latine or English Articles of Edward VI. or Queen Elizabeth, ratified by Parliament.*

And then in the Margent thus, *If to forge a Will or Writing be censurable in the Star-Chamber, which is but a wrong to a private man: How much more the Forgery of an Article of Religion, to wrong the whole Church, and overturn Religion which concerns all our souls.*

This is a heavy Charge, my Lords: But I thank God the Answer is easie.

And truly I grant, that to forge an Article in Religion in whole or in part, and then to thrust it upon the Church is a most hainous Crime, far worse than the forging of a Deed; and is certainly very deeply censurable in this Court. And I would have humbly besought you, that a deep censure might have been laid upon it, but that this Sheet was found after, and so is not annexed to the Information, nor in Judgment at this present before you.

But then, My Lords, I must tell you, I hope to make it as clear as the day, that this forgery was not, that this Clause mentioned was added, by the Prelates to the Article, to gain power to the Church, and so to serve our turns: But that that Clause in the beginning of the Article was by these men, or at least by some of their Faction, razed out, and this to weaken the just power of the Church to serve their turns.

They say (to justify their Charge) that this Clause is not to be found in the Articles, English or Latine, of either *Edward VI.* or *Queen Elizabeth.*

I answer: The Articles of *Edward VI.* and those made under *Queen Elizabeth* differ very much. And those of *Edward VI.* are not now binding. So whether the Clause be in or out of them, it is not much material.

But



But for the Articles of the Church of *England*, made in the Queens time, and now in force, that this Clause for the power of the Church to decree Ceremonies, and to have Authority in Controversies of Faith, should not be found in English or Latine Copies, till the Year, 1628. that it was set forth with the Kings Declaration before it, is to me a miracle, but your Lordships shall see the falsehood and boldness of these men.

What! Is this Affirmative Clause in no Copy, English or Latine, till the Year 1628? Strange! Why, my Lords, I have a Copy of the Articles in English, of the Year 1612. and of the Year 1605. and of the Year 1593. and in Latine of the Year 1563. which was one of the first Printed Copies, if not the first of all. For the Articles were agreed on but the Nine and twentieth day of *January*,

Anno 1563. } According to the *English* Account.  
 } According to the *Julian* Account.

And in all these, this Affirmative Clause for the Churches power is in. And is not this strange boldness then to abuse the World, and falsely to say it is in no Copy, when I my self, out of my own store, am able to shew it in so many, and so anciently.

But, my Lords, I shall make it plainer yet: For it is not fit concerning an Article of Religion, and an Article of such consequence for the Order, Truth, and Peace of this Church you should rely upon my Copies, be they never so many, or never so ancient.

Therefore I sent to the Publick Records in my Office, and here under my Officers hand, who is a publick Notary, is returned me the Twentieth Article with this Affirmative Clause in it. And there is also the whole Body of the Articles to be seen.

By this your Lordships see how free the Prelates are from forging this part of the Article. Now let these men quit themselves and their faction, as they can, for their *Index Expurgatorius*, and their foul Rasure in leaving out this part of the Article. For to leave out of an Article is as great a Crime as to put in; and a main Rasure is as censurable in this Court as a forgery.

Why, but then my Lords, what is this *Mystery of Iniquity*?

Truly, I cannot certainly tell, but as far as I can, I'll tell you.

The Articles you see were fully, and fairly agreed to, and subscribed in the year 1563. But after this, in the year 1571. there were some that refused to subscribe, but why they did so, is not recorded. Whether it were about this Article or any other I know not. But in fact this is manifest, that in that year 1571. the Articles were Printed both in Latine, and English, and this Clause for the Church left out of both. And certainly, this could not be done, but by the malicious cunning of that Opposite Faction. And though I shall spare dead mens names where I have not certainty; yet if you be pleased to look back and consider who they were that Governed busineses in 1571. and rid the Church almost at their pleasure; and how potent the Ancestors of these Libellers began then to grow, you will think it no hard matter to have the Articles Printed, and this Clause left out.

And yet it is plain, That, after the stir about Subscription in the year 1571. the Articles were settled and subscribed unto at last, as in the year 1562. with this Clause in them for the Church: For looking farther into the Records which are in mine own hands, I have found the Book of 1563. subscribed by all the Lower House of Convocation, in this very year of Contradiction, 1571. Dr. *John Elmar*, ( who was after Lord

Bishop of London ) being there *Proloquutor* : *Alexander Nowel*, Dean of *St. Pauls*, having been *Proloquutor* in 1563. and yet living and present and subscribing in 1571. Therefore I do here openly in Star-Chamber charge upon that pure Sect this foul corruption of falsifying the Articles of the Church of *England*; let them take it off as they can.

I have now done, and it is time I should, with the Innovations charged upon the Prelates, and fit to be answered here.

Some few more there are, but they belong to matter of Doctrine, which shall presently be answered, *Justo Volumine*, at large, to satisfie all well-minded people. But when Mr. *Burtons* Book which is the main one, is answered, ( I mean his Book, not his Railing ) neither *Prynn*, nor *Bastwick*, nor any Attendants upon *Rabshakeb* shall by me or my care be answered. If this Court find not a way to stop these Libellers Mouths and Pens, for me they shall rail on till they be weary.

Page 175.

Yet one thing more I beseech you give me leave to add. It is Mr. *Burtons* charge upon the Prelates, *That the Censures formerly laid upon Malefactors are now put upon Gods Ministers for their Vertue and Piety*.

A heavy charge this too. But if he or any man else can shew that any man hath been punished in the *High Commission*, or elsewhere, by the Prelates, for Vertue and Piety, there is all the reason in the world we should be severely punished our selves. But the truth is, the Vertue and Piety for which these Ministers are punished, is for preaching Schism and Sedition, many of their Sermons being as bad as their Libels; As *Burtons* Libel was one of his Sermons first. But whether this stuff have any Affinity with Vertue and Piety, I submit to any Christian Reader.

Page 7.

And yet Mr. *Burton* is so confident of his Innocency, even in this cause wherein he hath so foully carried himself, that he breaks forth into these words, *I never so much as once dreamed, that Impiety and Impudency it self, in such a Christian State as this is, and under such a gracious Prince, durst ever thus publickly have called me in question, and that upon the open Stage, &c.*

You see the boldness of the Man, and in as bad a cause, as ( I think ) in this kind ever any man had.

\* Lib. I. Ep 3.

I shall end all with a passage out of *St. Cyprian* \*, when he, then Bishop of *Carthage*, was bitterly railed upon by a pack of Schismatics, his answer was, and it is now mine; They have railed both bitterly and falsely upon me, and yet *Non oportet me paria cum illis facere*; It becomes not me to answer them with the like, either Levities or Revilings, but to speak and write that only which becomes *Sacerdotem Dei*, a Priest of God.

Neither shall I in this give way ( though I have been extreemly vilified ) to either grief or passion to speak, remembring that of the *Psalmist*, *Psal 37.8. Fret not thy self, else shalt thou be moved to do evil.*

Ibid. p. 10.

Neither yet by Gods grace shall the Reproaches of such men as these, make me faint or start aside, either from the right way in matter of practice, ( they are *St. Cyprians* words again ) or à *certâ regulâ*, from the certain Rule of Faith.

And



And since in former times, some spared not to call the Master of the house *Beelzebub*, how much more will they be bold with them of his household, as it is in *St. Matthew, Chap. 10. 25.* And so bold have these men been; but the next words of our Saviour are, *Fear them not.*

I humbly crave pardon of your Lordships for this my necessary length, and give you all hearty thanks for your Noble patience, and your Just and Honourable Censure upon these Men, and your unanimous dislike of them, and defence of the Church.

But because the business hath some reflection upon my self, I shall forbear to censure them, and leave them to Gods Mercy, and the Kings Justice.

*Instructions*

July 27. 1631.

*Instructions for Musters and Arms, and the use thereof,  
by Order of his Majesties Privy Council.*

Because the measure of these distances cannot be taken so justly by the eye, we take the distance of six foot between *File* and *File*, by commanding the Souldiers, as they stand, to stretch forth their arms, and stand so removed one from another, that their hands may meet.

And for the *Ranks*, we make account we take the same distance of six foot, when the butt end of the Pikes do almost reach their heels that march before. We take the second order or distance of three foot between *File* and *File*, by bidding the Souldiers set their arms a Kenbow, and put themselves so close, that their elbows may meet. And we reckon we take the same distance between the *Ranks*, when they come up almost to the Swords point.

It is to be noted when you are commanded to be as you were, you are ever to return by the contrary hand, from whence you came. As for example, If you did turn to the right hand, you are to return as you were to the left hand, and so in the rest.

**F**irst of all, it is to be understood that there are three sorts of distances, to wit, *Open Order*, *Order*, and *Close Order*. *Open Order*, or the first distance is, when the Souldiers both in *Rank* and *File* stand six foot removed one from another.

The second distance, or your *Order* is, when the Souldiers stand three foot removed both in *Rank* and *File* one from another, and this *Order* is to be used when they are embattelled, or march in the face of an Enemy, or when they come to stand, or when you will Wheel. But when you march thorough any Country, you must observe three foot only from *File* to *File*, and six from *Rank* to *Rank*. The third distance, or your *Close Order* is commanded by this word *Close*, which is, when there is one foot and a half from *File* to *File*, and three from *Rank* to *Rank*, and this is for the Pikes only, and must never be used, but when you will stand firm to receive the Charge of an Enemy. The Muskettiers must never be closer than the second distance of three foot in square, because they are to have a free use of their Arms.

In exercising your motions, you are always to observe your *Open Order* of six foot in square, in which the Company being first placed, you are to acquaint them to these terms of directions.

Stand right in your *Files*.

Stand right in your *Ranks*.

Silence.

To the right hand.

As you were.

To the left hand.

As you were.

To the right hand about.

As you were.

To the left hand about.

As you were.

*Ranks* to the right hand double.

As you were.

*Ranks* to the left hand double.

As you were.

*Files* to the right hand double.

As you were.

*Files* to the left hand double.

As you were.

Middlemen to the right hand double your front:

As you were.

Middlemen to the left hand double your front.

As you were.

*Ranks*



When you will counter-march to the right hand, the first Rank of Leaders only must advance one step forward with the right leg, and then turn,

and all the other Ranks must march first up to the place from whence the first Rank did Counter-march before they turn. So likewise if you will counter-march to the left hand, the first Rank must step forwards one step with the left leg, and then turn, and all the other Ranks behind must come up to that place before they turn, as before. The same order is to be observed when you will counter-march your Files.

In counter-marching though both are here set down for distinction sake, you are to name neither Ranks nor Files: But are only to say, To the right hand Counter-march, or to the left hand Counter-march.

## *Before you Wheel.*

When you exercise a Company single, you double your Ranks before you Wheel, in regard the Body is small. But in a Division, or greater Body, you close first both your Files and your Ranks to your Order of three foot, and omit the doubling, and so Wheel.

When you will Wheel to the right hand, double your Ranks to the left hand, and when you Wheel to the left hand, double your Ranks to the right hand. For so the right and left hand Leaders will keep their places on that corner towards which you Wheel.

*Ranks*, to the right or left hand counter-march.  
To the right or left hand, at discretion.  
*Files*, to the right or left hand counter-march.  
To the right or left hand as you were.

*Ranks*, to the right or left hand double.  
*Files*, to the right or left hand, or to the middle, close to your Order, to three foot between File and File.  
*Ranks*, close to your Order, to three foot between Rank and Rank.  
To the right hand Wheel, } Which you list, and  
To the left hand Wheel, } each as often as  
Or Wheel about, } you list.

## *After you have Wheeled.*

This manner of opening is used only in a single Company. For in greater Bodies where the doubling is omitted, you open first your Ranks, and then your Files to your open Order of six foot, to bring them back again as they were.

By double distance is meant twelve foot. For so the Ranks ( which before did double ) falling out again into their first places, come just to the distance of their open Order of six foot, in which they were before they doubled.

In opening *Ranks* or *Files*, you must make all the *Files* or *Ranks*, saving the outermost on that hand from whence you mean to open (which must stand) to move all together till the second Rank or File, from that which standeth, have gotten its distance, and subsequently the rest.

If you will have them close their *Files* to the right or left hand, the outermost File on that hand you purpose to close, must be commanded to stand, and all the rest to close to it.

In charging, half the Ranks only must charge their Pikes, the other hindermost half of the Ranks do port their Pikes, that is, they carry them so couched over the heads of the foremost, as may give them no offence, either in charging or retiring. Besides, this way the Pikes are not so subject to be broken by the Shot of the Enemy, as when they are advanced.

Advance your Pikes.  
Order your Pikes.  
Shoulder your Pikes.  
Charge your Pikes,  
Order your Pikes.  
Trail your Pikes.  
Check your Pikes.

*These*

*These following motions are to be performed both standing and marching.*

They must likewise observe when they charge standing, to fall back with the right Leg, and marching to step forwards with the left.

Charge your Pikes.  
Shoulder your Pikes.  
To the right hand charge.  
Shoulder your Pikes.  
To the left hand charge.  
Shoulder your Pikes.  
To the Rear charge.  
Shoulder your Pikes.  
Stand.  
Order your Pikes.

*For the Musket.*

These are the Postures which in this Book are to be observed : But in Exercising, you must only use these three terms of direction.

Make ready.

Present.

Give fire.

Your Muskettiers must observe in all their motions, to turn to the right hand, and that they carry the mouth of their Peeeces high, as well when they are shouldered, as in Priming, as also when they hold their Pans guarded, and come up to give fire.

In advancing towards an Enemy, when they do not skirmish loose and disbanded, they must give fire by Ranks after this manner : Two Ranks must always make ready together, and advance ten paces forwards before the Bodies, at which distance a Sergeant ( or when the Body is great, some other Officer ) must stand, to whom the Muskettiers are to come up before they present and give fire. First, the first Rank, and whilst the first gives fire, the second Rank keep their Muskets close to their Rests, and their Pans guarded ; and as soon as the first are fallen away, the second presently present and give fire, and fall after them. Now as soon as the two first Ranks do move from their places in the front, the two Ranks next it must unshoulder their Muskets, and make ready, so as they may advance forward ten Paces, as before, as soon as ever the two first Ranks are fallen away, and are to do in all points as the former. So all other Ranks through the whole Division must do the same by twos one after another.

*A manner there is to give fire retiring from an Enemy, which is performed after this sort.*

As the Troop marcheth, the hindermost Rank of all keeping still with the Troop, maketh ready, and being ready, the Souldiers in that Rank turn all together to the right hand, and give fire, marching presently away a good round pace to the Front, and there place themselves in Rank together just before the Front. As soon as the first Rank turns to give fire, the Rank next it makes ready, and doth as the former, and so the rest.

We



We give fire by the Flank thus ; The outermost File next the Enemy must be commanded to make ready, keeping still along with the Body, till such time as they be ready, and then they turn to the right or left hand, according to the sight of their Enemy, either upon their right or left flank, and give fire all together : When they have discharged they stir not, but keep their ground, and charge their Peeeces again in the same place they stand. Now as soon as the aforesaid File doth turn to give fire, the outermost next it makes ready, always keeping along with the Troop, till the bringer up be past a little beyond the Leader of that File that gave fire last, and then the whole File must turn and give fire, and do in all points as the first did, and so all the rest one after the other. A Sergeant, or ( if the Troop be great ) some other better qualified Officer must stand at the head of the first File, and as soon as the second File hath given fire, and hath charged, he is to lead forward the first File up to the second File, and so to the rest one after another, till he hath gathered up again the whole Wing, and then he is to joyn them again in equal front with the Pikes.

Last of all the Troop or whole Wing of Muskettiers makes ready all together, and the first Rank without advancing gives fire in the place it stands in, and speedily as it may, yet orderly, falls away, all the Ranks doing the same successively, one after another.

The Arms of a Pikeman are, Gorget, Curats, Head-piece, Sword, Girdle and Hangers.

The Arms of a Muskettier are, a Musket, a Rest, Bandeliers, Head-piece, Sword, Girdle and Hangers.

It is required, that the Muskets be all of a Bore, the Pikes of a length : But to the end this course may not by a sudden alteration turn to a general charge and burthen upon the people, the Lords Lieutenants, and the Deputy Lieutenants are rather to use the way of advice and encouragement, as a matter which will be very acceptable to his Majesty, who will take notice of the affection of such as shall most readily provide Arms according to this order, then to enforce a present general observation thereof. But in case where the Arms shall be decayed, and must be renewed, this order is to be strictly observed.

The Arms of Horsemen, Cuirassiers, are a Gorget, Curats, Cutases, Pouldrons, Vambraces, a left Hand-Gauntlet, Taces, Cuisse, a Cask, a Sword, Girdle and Hangers, a Case of Pistols, Firelocks, Saddle, Bridle, Bitt, Petrel, Crupper, with the Leathers belonging to fasten his Pistols, and his necessary sack of carriage, and a good horse to mount on.

The Arms of a Harquebusier or Dragoon, which hath succeeded in the place of Light-horsemen ( and are indeed of singular use almost in all Actions of War ) the Arms are a good Harquebus, or Dragoon, fitted with an Iron work, to be carried in a Belt, a Belt with a Flask, Priming-box, Key, and Bullet-bag, an open Head-piece with cheeks, a good Buff Coat with deep Skirts, Sword, Girdle, and Hangers, a Saddle, Bridle, Bitt, Petrel, Crupper, with Straps for his Sack of necessities, and a horse of less force and less price than the Cuirassier.

In the exercise of the Foot Troops, the Companies are to be of hundreds only, besides Officers, that they may be so much the nearer together to be trained and exercised with less pains to the Souldiers, and less loss of time, when they shall be called together by their Captain.

The Company is to be divided into Files of ten in a File, the File is to be distinguished into a Leader, a Bringer up, two Middlemen, and

T

three

o Leader.

o Middleman

o Middleman

o Bringer up.

three between the Leader and his Middleman, and three between the Bringer up and his Middleman. When the Companies come together, they are to be exercised ten in depth (as the proportion best fitted to receive all charges, and perform all executions;) But in cases of necessity in service, and for exercise it will be requisite to reduce them into five in File, and then those two Middlemen become Bringers up, and then have a kind of charge over those three between the Leader and the Bringer up, and will be of great use in preparing and exercising of the Souldiers in the practice of their Arms and Order. For it is not intended that the whole Companies should be drawn together to be exercised: But that upon Sundays after Evening Prayer, and upon Holy days (as it hath been formerly used for Bow) the Leader, Bringer up, or Middlemen should exercise together with his whole File, or such a part as dwells most convenient for him. And further, that once in a Month, or six Weeks, the Captain, Lieutenant, or Ancient may (with the knowledge of the Deputy Lieutenant that dwells next him) upon a Holiday exercise a Squadron of his Company, or the whole, as shall seem good to the Deputy Lieutenant.

o Leader

o Middleman

o Middleman

o Bringer up.

The like form for the Horse: But it is to be observed, that the Files of Horse are never to be above six, but distinguished by the names of Leader, Bringer up, and two Middlemen, and to be doubled to three deep, upon occasion. And to avoid the great abuse that is practised by those that are inrolled to keep Horses for the Kings Service, That the Leader, Bringer up, or Middlemen of the Files of Horse, do exercise the Horse upon Holidays and Sundays after Evening Prayer: And that the Captain by himself, his Lieutenant, or Cornet, may (with knowledge of the next Deputy Lieutenant) upon a Holiday, call together some Files, or a Squadron of his Company, to practise them in the exercise of their Arms. The Officers also both of Horse and Foot-Bands, as well in the Chief, as Inferiours, Serjeants, Corporals, and Lamprizadoes, are to have a more special care for the ordinary exercising of the Souldiers of their Company, which dwell next unto them, and properly for them.

A special care and order must be taken that all those that find a man to serve on Horseback, whether they find the Horse or the Man, or both, must not change the Horse or Man at their pleasure: For so it would be every day to practise a new Man, or a new Horse, and the exercise be made vain. But they must take into consideration, that the Man and Horse designed to the Service of the King, hath (by the intention of the Law) been dedicated so to the Interest of the King, as they must always be in readiness at the call of the Kings Officers, and may not be changed without the knowledge and consent of the Captain, or Deputy Lieutenant next adjoyning, or by Warrant of the Lord Lieutenant. And this with this only limitation, that another sufficient Man or Horse be supplied in the room of the Man or Horse made deficient, for a just cause well approved of. And as the Souldier, or Horse may not be changed or discharged, without the knowledge of the Captain or Superiour Officers; So it is not lawful for the Captain to change or discharge any Man or Horse (once inrolled) without the approbation of the Lord Lieutenant, or his Deputy.

A principal care is to be taken for the provision of the Arms, that they may be provided at such rates as they are truly worth, that the people be not subject to the abuse of undertakers for these businesses:

And



And also for the furnishing of every Shire with a competent proportion of Match, Powder, and Bullets, to which purpose directions have been heretofore already given. Nevertheless, it is not held necessary, until the Souldiers be perfect in their Postures, and ready managing of the Pike when they are armed, and the Musket together with the Rest, that there should be any expence of Powder at all : And then for some time to be exercised with some false fires, which is only a little Powder in the Pan: Nor at any time to blow away their Powder in vain ; but that Powder which should be allowed by the Country for training, be bestowed only at Marks : In which case it is to be wished, that little small Prizes might be provided at the cost of the Country, to be shot for at the Marks, which would give an ambition to men to carry them away, and would save the Country more in Powder than their value : And a desire in men to render themselves perfect, would make them to find themselves Powder with that money, which on those days, and in those times, would be worse spent in an Alehouse.

## HAMILTONS Vindication, Anno 1638.

**I**T will, no doubt, seem strange to see my name in Print, standing so near these men who are Interlocutors in the Succeeding Pages, their profession and mine being of such different natures: But I shall intreat the ingenuous Reader to take notice of the necessity of this my doing.

I am by the three Answerers to these Demands wronged, and that by an injury of an high nature, challenged in Writing to have done that, which God doth know never entred into my thoughts; and for any thing the Answerers did, or do know, never came into my mind. And though by the Law of Challenges, they have challenged me, I may choose the Weapons (which certainly should have been in another kind, had the Challengers been of another Profession) yet being men of so holy a Function, I have thought good to make choice of their own Weapons; and by my Pen to do out that blot, which they by their Pen have laid upon me. And I have thought it fit to do it in a Schedule annexed to this Book (which for that cause only I have caused to be here Reprinted) that where mens minds perhaps may be poysoned by swallowing an untruth in their Answers, so deeply wounding my Honour and Loyalty; this Antidote might be ready at hand to cure them, before they should be fully tainted with it: As likewise supposing that if they should be Printed severally, many might meet with their Answers alone, which might leave in them a bad impression of me; if they should not be attended with this just and true expression of mine.

The injuries wherewith I am violated by the three Answerers, are of two sorts: One of them strikes me alone, as his Sacred Majesties High Commissioner: The other wounds me as his Majesties Counsellour; and with me all of that honourable board. The former is this,

They deliver Affirmatively, That the *Declaration which they tendered me of their late Covenant, was such as I accepted, and was well pleased with.* And this they set down twice for failing: In their answer to the first Demand towards the end, and in their answer to the third Demand a little before the middle of it: And that with such confidence, as truly I cannot with any justice blame the Reader for believing of it, when it fell from the Pens of these men, whose Profession is the teaching of truth.

But I shall desire the Readers to suffer themselves (notwithstanding the prejudice of these mens persons) to be undeceived by a plain averment of truth.

I am confident none of these three Answerers ever heard me say so, nor will they say they did. If they but heard it from others (which I do verily believe they did not, and shall do so still, till they avouch their Authors) sure no man can choose but miss in them that civil prudence, which will not allow any discreet man to affirm that of any other; much less of a person of my quality, and at this time of my place; the foundation whereof shall be so frail and slippery, as report, which is always uncertain, and most times false.

For clearing the truth, I do aver upon mine Honour that I never said



so, I never thought so. And though that that Declaration was much bettered by the industry of some well-affected ( from what was first intended ) yet it gave me not satisfaction : And I dare boldly affirm, I never said it would give my Master the Kings Majesty any. My Justifiers in this shall be these Noblemen, Gentlemen, and others to whom I ever spoke, either publickly, or in private. I was indeed content to catch at any thing I could, when I could not obtain what I would : As being willing to do my Country-men that respect, as to the utmost of my power to recommend to my gracious Master, with all favourable construction, even that which I then thought, and did know fell short of just and home satisfaction. \* And here, I do confess, I cannot charge it for a faulty mistake upon the Readers of these Asseverations of the three Answerers, if they should before this my Declaration, conceive that his Majesty were in all probability like to rest satisfied with that Declaration of the Covenant ; having it delivered to them from men whom they have in all this business believed as much as themselves, that his Majesties Commissioner, who in all likelihood did know his Majesties mind best, did rest satisfied with it.

But his Majesty hath just reason to charge me, if these Asseverations were true ; as I have good reason to vindicate my self, they being not true. The truth is, if these Asseverations be true, I do profess to the whole world, that his Majesty hath a most just cause to discharge himself of me, and my service, and to discharge me of all trust in this, or any other Negotiation. For I profess, that I knowing his Majesties constant dislike of the said Covenant, it must bewray in me, either breach of trust, or want of judgment ; If I should go about to make either my self, or the world believe, that my Master could receive satisfaction by such an explanation.

And here I cannot dissemble, but must ask leave to vent my self thus far. Had these wrongs been put upon me by the Pens of other men, and not of those whose Professions I am forward and willing to believe ( because I would have it so ) will not suffer them to embrace wilful and malicious designs : I should justly have doubted, that there had been some men in this Kingdom, who being afraid of a settling and peaceable conclusion of this business, had gone about to raise in my Royal and Gracious Master a jealousy of my slackness in my King and Countries Service, that so I might be called back, *re infecta*.

If any such Enemies there be to the peace of this miserable distracted Church and State, I beseech God in time to discover them, and that all may end in covering them with shame and confusion. The sum of all I will say of this personal wrong offered to my self is this : If these reverend and learned Gentlemen, the Answerers, in these untrue Aspersions intended any harm to me, I shall only now requite them with a cast of their own Calling, I pray God forgive them. If they intended me no harm, then I do expect that they will give my self and the World satisfaction in clearing me that I gave them no ground for these their Asseverations. And so being confident of his Majesties goodness to all his Ministers ; among the rest, to the meanest of them, my self, especially in this particular, that he will never be shaken in the opinion of my loyal and constant service, upon such slight, light, and groundless reports, I will say no more of that first point.

For that which concerneth my self as a Counsellour, and the rest of that honourable Board, averred by the three Answerers in their Answers

\* Nor is there any ground for their opinion of my acceptance of that declaration, unless they call receiving, accepting ; and that was not in my power to refuse, it being conceived in formal words of a supplication, and so tendered to me, who by my Royal after his instructions was commanded to receive the Petitions of all his good and loyal subjects.

to the third and fourteenth Demand, I do here protest before Almighty God, that none of the Allegations alleged by the three Answerers, or any Petition given me by the Supplicants, moved me to give way, that the Order of the Council Table should not pass into an Act: for I did then, and do now avow, that I then was, and now am fully satisfied with his Majesties most gracious Declaration; and that in my opinion all ought to have thought themselves sufficiently freed from fears of Innovations. But the true reason was this, I was so tenderly affectioned towards the peace of my Country, that I gave way to that, which many of honourable quality assured me, if it were not done, a present rupture might follow, and so consequently the ruine of this Kingdom; which I was resolved to keep off so long as possibly I could, retaining my fidelity to my Master. Which care of mine I find but slenderly requited, when it is made an argument to perswade his Majesties good Subjects to do that which is so displeasing to him, and so unsafe for them. And yet even in this passage, it would have been expected from men of that Profession, that nothing should have passed but undoubted truth. In which point too they have failed, either as I hope by a mistaking, or a mis-informing. For the Missive once thought fit to be sent to his Majesty was never rent, but remaineth yet as it was: And we did not send it, because we did not think, thanks to his Majesty would be seasonable in the name of the whole Kingdom, when we knew his Majesty, by the last proceedings of many, and Protestations made against his Royal Declaration (pretended in the name of the whole Country) could not receive satisfaction.

To conclude, notwithstanding this Personal wrong offered to me his Majesties High Commissioner, I will carefully, chearfully, and constantly go on with this great business, wherewith he hath intrusted me. Which as I pray God it may prosper under my hands: So I praise God that he hath given me so chearful and willing a heart to go on in it: That if my life could procure the peace of this torn Church and Kingdom, to the contentment of my Royal Master, and comfort of his distracted Subjects; he who knoweth all things, knoweth likewise this truth: It is the sacrifice of the world, in which I would most glory, and which I would most sincerely offer up to God, my King, and Country.

HAMMILTON.



*The Grievances given in by the Ministers before the last Parliament in June 1633.*

**T**He Ministers standing for the preservation of the purity of Religion in Doctrine, Worship, and Government, assayed sundry means to have his Majesty rightly informed of the estate of our Kirk, but the success was not answerable to their expectation. Yet having the opportunity of his Majesties coming to his Native Country of Scotland to be Crowned, and hold his first Parliament, they advised upon some grievances to be presented to his Majesty and Estates. It was ordained by Act of Parliament 1594. that four of every Estate should Convene twenty days before the beginning of the Parliament, to consider all Articles and Petitions, which were to be given in, that such things only might be put in form, and presented to the Lords of the Articles in time of Parliament, as were reasonable and necessary, and that such, as were impertinent and frivolous, might be rejected. But it was not determined who should make choice of the Persons. Yet this was not observed before the last Parliament. But upon the 16 of May 1633. Intimation was made by Proclamation, that all such, as purposed to give in any Articles or Petitions, deliver the same to the Clerk Register betwixt that and the first day of June, to be presented by him to such of the Estates and Council, as should be appointed to hear and consider them. The Ministers fearing not to be heard otherwise, appointed one of their distressed Brethren, Mr. Thomas Hogge, to present their grievances to him, which he presented and delivered, and took instruments thereupon in the hands of a Notair.

*Grievances and Petitions concerning the disordered estate of the Reformed Kirk within this Realm of Scotland, presented upon the 29 day of May 1633. by me Mr. Thomas Hogge, Minister of the Evangel, in mine own name, and in the name of others of the Ministry, likewise grieved, to Sir John Hay Clerk of Register, to be presented by him to such as ought, according to the Order appointed, consider them, that thereafter they may be presented to his Majesty and Estates, which are to be assembled at the next ensuing Parliament.*

**T**He opportunity of this solemn meeting of your gracious Majesty, and the honourable Estates convened in this High Court of Parliament, and the Conscience of our duty to God and the Reformed Kirk within this Realm of Scotland, where we serve by our Ministry, constrains us to present in all humility to your Highness and Estates presently assembled those our just Grievances and reasonable Petitions following :

1. Albeit Vote in Parliament was not absolutely granted to Ministers provided to Prelacies, but only upon such conditions as his Highness of happy memory, and the general Assemblies of the Kirk should agree upon, which is evi-

dent

dent by the remit and provision expressed in the Act of Parliament holden at Edinburgh in December 1597. And albeit the manner of their Election and Admission to the Office of Commissioner, and the particular conditions and cautions to be observed by Ministers Vote in Parliament in name of the Kirk after long disputation, were agreed upon by his Majesty present in Person, and the general Assembly, and were appointed by them to be insert in the body of the Act of Parliament, which was to be made concerning that purpose. Some Ministers notwithstanding have been, and are admitted to Vote in Parliament, in name of the Kirk, as absolutely, as if the Act of Parliament did contain no such reference, and as if his Majesty with the general Assembly had not agreed upon the manner of their Election and Admission to that Office, or upon any limitations; whereby the Kirk hath sustained great hurt and prejudice in her Liberties and Priviledges, and specially by their frequent transgressing the first of the Conditions, although grounded upon the very Law of Nature and Nations. "That nothing be proponed by them in Parliament, Council, or Convention in name of the Kirk without expresse Warrant and direction from the Kirk, under the pain of deposition from their Office; Neither shall they keep silence, nor consent in any of the said Conventions to any thing that may be prejudicial to the liberty and Weal of the Kirk, under the said pain. And the second, That they shall be bound at every general Assembly to give account anent the discharging of their Commission since the Assembly preceding, and shall submit themselves to their Censure, and stand to their determination whatsoever without Appellation, and shall seek and obtain Ratification of their doings at the said Assembly under the pain of Infamy and Excommunication. Therefore our humble Supplication is, that the execution of the Acts of Parliament of matters belonging to the Kirk, to which they have voted in the name of the Kirk, without any authority or allowance from the general Assemblies of the Kirk, be suspended, till the Kirk be heard, and that in time coming Ministers have no otherwise Vote in Parliament, but according to the provision of the Act of Parliament, and the order of their entry to the Office of that Commissioner and limitation foresaid agreed upon, as said is.

2. Seeing Ratifications of Acts and Constitutions of the Kirk cannot be construed to be a benefit or favour to the Kirk, unless the Ratifications pass according to the meaning of the Kirk, and the Tenour of the said Acts and Constitutions, without Omission, Addition, or Alteration of Clauses, Articles, or Words of importance, and that in the Ratification of the Act of the Assembly holden at Glasgow, Anno 1610. which past in Parliament holden 1612. under the name of Explanation, sundry Clauses and Articles were omitted; as the subjection of Bishops in all things concerning their Life, Conversation, Office, and Benefice, to the censure of the general Assembly, the censure of Bishops in case they stay of the Censure of Excommunication, the continuing of the exercise of Doctrine Weekly, the necessity of the Testificat and assistance of the Ministry of the bounds for the admission of Ministers, and other Clauses and Articles are added and insert, as the different degrees of Archbishops, and Bishops, the power of giving collation of Benefices granted to Bishops, the disposing of Benefices falling in their hands jure devoluto, the appointing of Moderators in Diocesan Synods in case of their absence, and some words of the Oath are changed: By all which Omissions, Additions, and Alterations, the Kirk hath sustained, and doth sustain great hurt in her Jurisdiction and Discipline. Our humble desire therefore is, that the Kirk may be liberate from the prejudice of those Omissions, Additions, and Alterations of the Act foresaid.



3. Notwithstanding the general Assemblies have been holden from the time of Reformation till the year 1603. at least once in the year, and after promulgata, Provincial Synods twice in the year, Weekly Meetings for Presbyteries and Presbyteries every Week, for matters to be treated in them respectively, and their Liberties were ratified in Parliament Anno 1592. and by that, as a most powerful mean, blessed be God, Peace and Purity of Religion were maintained: And in the Assembly holden at Glasgow 1610. when Commissioners Voters in Parliament provided to Prelacies were made liable to the Censures of the general Assembly, it was acknowledged that the necessity of the Kirk craved, that there should be yearly general Assemblies; And the Ministry were then assured, that Liberty would be granted upon their request, whereby they were induced to condescend so far to the Act then made, as they did, which Act also in the very entry thereof a request to his Majesty, that general Assemblies may be holden in all times coming once in the year, or precisely at a set and certain time; Nevertheless the wanted Liberty of holding general Assemblies is suppressed, the order of the Provincial Synods confounded, Presbyteries in a great part disordered and neglected, whereby Divisions have entred into the Kirk, Ministers have become negligent in their Callings, and scandalous in their Lives, the Godly are heavily grieved, the Weak are scandalized, erroneous Doctrine is delivered in Kirks and Schools without controulement; the Commissioners Voters in Parliament lie untried and uncensured, and Atheism and Popery increase: Our humble desire is therefore, that the Acts of Parliament, made in favours of the Assemblies of the Kirk, and especially the Act of Parliament holden at Edinburgh in June 1592. be revived and ratified in this present Parliament.

4. Notwithstanding the obseruation of Festival days, Private Baptism, Private Communion, Episcopall Confirmation of Children, have been rejected by this our Reformed Kirk, since the beginning of the Reformation; and it hath been declared by Act of Parliament in the year 1567. that such only were to be acknowledged Members of this Reformed Kirk, as did participate of the Sacraments as they were then rightly ministered, which was without kneeling in the act of receiving the Sacramental Elements of the Supper, or immediate dispensing of the same to every Communicant by the Minister. And that it was Statute and Ordained in the same Parliament, that all Kings should give their Oath at their Coronation to maintain the Religion then professed, and that form of ministration of the Sacraments which then was used: nevertheless Pastors and People adhering to their former profession and practice are nicknamed Puritans, and threatened, not only without any good warrant, but beside the tenour of the Act of Perth Assembly, which containeth no strict injunction, and contrary to the meaning of the Voters, and to the proceedings of that Assembly, where it was professed that none should be pressed with obedience to that Act: Therefore we humbly intreat that by Ratification of the Acts of Parliament, made before that Assembly, and by such ways as shall seem good to your Gracious Majesty, and honourable Estates assembled, your Majesties good People, Pastors and Professors may both be purged from such foul aspersions, and may be freed from all dangers and fears which may occur by occasion of that Act of Perth.

5. Albeit it be determined by the general Assemblies of this our Reformed Kirk, what Oaths Ministers should take at the time of their Admission or Ordination, yet there is a new form of Oath devised and urged by the Admitters or Ordainers, upon intrants to the Ministry, together with subscription to certain Articles devised by them without direction and warrant from any Assembly of the Kirk, yea, or Act of Parliament, whereby the entry to the

*Ministry is shut upon the best qualified, and others less able are obtruded upon the people, to their great grief and hazard of their souls: Our humble Petition therefore is, that all such Oaths and Subscriptions urged upon Ministers at their entry or transplantation may be discharged.*

6. *Notwithstanding there be Constitutions of the Kirk, and Laws of the Country for censuring of Ministers before the ordinary Judicators Ecclesiastical; yet contrary to that Order, Ministers are suspended, silenced, and deprived, and that for matters meerly Ecclesiastical before other Judicators, which are not established by the Authority or Order of the Country and Kirk: Therefore our humble Petition is, that Ministers deserving censure, be no otherwise censured than the Order of the Kirk doth prescribe, and that such as are otherwise displaced, be suffered to serve in the Ministry, as before.*

The Presenter attended in *Edinburgh* to compare, if need were, before such as were to Convene to consider the Articles and Petitions, which were given in to the Clerk Register. But there was no appearance of any such Convention. The Ministers therefore directed the Brother above named to present the Supplication following to his Majesty, which he did upon the fifteenth day of *June*, in the Castle of *Dalkeith*, the same day that he was to make his entry in *Edinburgh*,

*This happy occasion, with strong desires long waited for by your Majesties most humble and loving Subjects the Pastors and Professors of the Reformed Religion within this your Majesties Kingdom of Scotland. The great fame, which hath often filled our Ears of your Majesties most Pious and Princely inclination to Religion and Righteousness, whence this Kirk and Kingdom from their singular interest in your Majesties Birth and Baptism, have reason to look at this time for a comfortable influence: The Body of this Kingdom in heart joyning with us, and only waiting for the least word from your Majesties mouth: The Conscience which we have, and which we trust is manifest to all men that we are seeking neither Riches nor Honours to our selves, but that the sum and substance of our desires is to procure the advancement of the Kingdom of Jesus Christ, and to see your Majesties flourishing Estates in your Kingdoms: All these and each of them move us to intreat in all humility your Gracious Majesty to be favourable to our Petitions, which we have delivered to the Clerk of Register to be presented to your Majesty and Estates at the approaching Parliament, that they may be considered, and receive a gracious answer.*

The King read the Petition at length. Yet there was no more heard of our grievances either among the Lords of the Articles, or in open Parliament, where nothing cometh in voting, but that which first must pass the Lords of the Articles, and usually what passed through their hands is concluded by the whole Estates in publick. Not only were our grievances suppressed, but also all former Acts concerning the Kirk were ratified. Howbeit it was well known that sundry former Acts had wrought great disturbance in our Kirk. An Act also in particular concerning the common habits of Kirkmen, (not of Surplice, or other like superstitious Vestures, as many mistake) was ratified and made a point of the Royal Prerogative. Small hope had we of any better event, considering the dependance either of Noblemen upon the Kings favour for the recovery of their broken Estates, or of some other men for preferment, or the fear of others to lose it, all knowing very well the Kings bent and inclination.

For the better clearing of the equity of our grievances, I will set down these few observations:

Great



Great opposition was made by many worthy men of the Ministry to Ministers Vote in Parliament, Convention, or Council, and not without reason. When it was carried by Plurality of procured Voices in a general Assembly holden at *Dundee, Anno 1597.* against which and the two former Assemblies M. *John Davidson* protested; the next care of the sincere sort was to have the Commissioner Voter in Parliament tied to a certain form of Admission, and to some Cautions, that he degenerate not into a Roman or Anglican Bishop.

He was to be recommended to his Majesty, by the General Assembly, and to be admitted by the Synod as it then stood in integrity. The first two cautions ye have heard in the grievances. By the third, the Commissioner Voter in Parliament was bound not to prejudge the provision of other Kirks planted, or to be planted. By the fourth he was bound not to delapidate or dispoise any part of his Benefice without the advice and consent of his Majesty and the general Assembly, and to interdict himself to that effect. By the fifth, He was bound to attend faithfully upon his own particular Congregation, where he shall be Minister, in all the points of a Pastor, and hereafter to be subject to the trial and censure of his own Presbytery and Provincial Assembly, as any other Minister that beareth not Commission. By the sixth Caution, In the Administration of Discipline, Collation of Benefices, Visitation, and all other points of Ecclesiastical Government, he shall neither usurp nor acclaim to himself any Power or Jurisdiction, farther than any of the rest of his Brethren, under the pain of deprivation. By the seventh, That in Presbyteries, Provincial and general Assemblies, he shall behave himself in all things, and be subject to their censure, as any of the Brethren of the Presbytery. By the eighth, At his admission to the Office of Commissioner, these, and all other Points necessary he shall swear and subscribe to fulfil under the Penalties foresaid, otherwise not to be admitted. By the ninth, In case he be deposed by the general Assembly, Synod, or Presbytery from his Office of the Ministry, he shall lose his Vote in *Paripso facto*, and his Benefice shall vaie.

Such as plotted the course of Episcopacy and aspired to Prelacies were constrained for the present to condescend to these Cautions, but were not minded to stand to one jot of them longer than they saw occasions to break loose. Because they were made countable by these Cautions to the general Assemblies, they procured first a Prorogation of the Diets of the Assemblies by the Kings Authority, and at last the bereaving of the Kirk of all liberty to indict any Assemblies, that so they might be freed from making any count at all. After they had gathered strength and power to overrule Assemblies of their own devising, and after that some of the Ministry were banished, others confined, a third sort drawn up to Court, they procured a Convention at *Linlithgow, Anno 1606.* of Noblemen and Ministers nominate by them, and recommended by the King to the Presbyteries to be sent to that meeting. The name of a general Assembly was concealed in the Kings Missives. But soon after Presbyteries were charged with letters of horning to accept the constant Moderators chosen by that meeting, such as were stiled vulgarly Bishops in respect of their Benefices to be Moderators of the Presbyteries where they made residence. Synods likewise were urged to accept these Bishops for constant Moderators, howbeit no such thing was concluded at that meeting, but their Act falsified.

This moderation did not satisfy their ambitious humour, nor was it well accepted by Presbyteries or the Synods. In the year 1610, they were armed with the power of the High Commission, of which they were not capable, and without consent of the Estates, contrary to an Act of Parliament, *Anno* 1584. to silence and deprive, fine and incarcerate Ministers, to command them to excommunicate such as in their judgment deserved that Censure, and to fine and imprison other whatsoever subjects. After that they become thus great and terrible, and now able to extort any thing from servile Ministers, they procured an Assembly to be holden at *Glasgow* soon after, like that other at *Linlithgow*, but that there was more Gold dealt among Mercenary Ministers at this Assembly.

Soon after, three of their number went to Court to be consecrate Bishops, returned and consecrated the rest of their Fellows, no such thing being concluded at that meeting as the Office of a Diocesan Bishop, Anglican or Roman, that is, to be the proper Pastor of all the Congregations within the Diocese, the power of Ordination residing in him, and of Jurisdiction flowing from him. The Presbyteries and Synods were only tied to these who were called Bishops in respect of their Benefices in the points, and in the manner expressed, and upon trust that they should be liable to the censure of ordinary and set general Assemblies. But they were not content with sundry Articles of that Act, howbeit the Assembly was overruled by themselves, and they consented, to the end that the Ministers there convened might be induced to yield so far as they did. Therefore when the Act was ratified, *Anno* 1612. they consented in Parliament to Additions, Alterations, and Omissions of sundry Clauses, as no doubt they had devised themselves before. In the year 1617. they consented in Parliament to the Election of Bishops by Deans and Chapters, which was inhibited by the Acts of the Assembly holden 1578. and condemned in the second book of Policy as Popish. It was likewise far different from the form of Election and Admission agreed upon with their own consents in the general Assemblies. What was proposed in Parliament for their advancement was granted by the Estates, and consented to by themselves, as no doubt they had devised. So they were their own carvers.

In the end they brought in Popish Ceremonies to vex the Ministers and Professors. and to give them some other subject to work upon, then to meddle with themselves, and their usurped Authority.

Because they are conscious to themselves of the nullity of their Assemblies, and fear to want the concurrence of Synods and Presbyteries, they draw Ministers and Professors before their Court of High Commission. But if this Court were not fortified and assisted by the Lords of secret Council, by whom it was first authorized, their power in the High Commission would be little regarded. Our bondage then resolves upon the Council.

Whatsoever be the Usurpation of the Prelates, the Ministry and Professors are not to be excused. First, for acknowledging or not opposing to their Assemblies. For the safety of Religion dependeth not upon Assemblies of whatsoever kind, but upon the liberty of free and right constitute Assemblies. As in the Common-weal he were not to be thought a faithful Patriot, who would not stand as much for the Liberty of a Parliament as his own Possessions, because the safety of all other Liberties standeth in the preservation of that main Liberty. Next, be-  
cause



cause they continue in subjection, notwithstanding we have not the liberty of ordinary and set Assemblies to censure them according to the Cautions and Acts agreed unto by themselves. Thirdly, because they give further obedience than is required by the Acts of their own Assemblies, as if they had an absolute power to direct and enjoin as pleaseth them. But the first is fountain of all our mischief.

I have here subjoyned certain Propositions concerning Adoration before the bread in the Sacrament without the knowledge of the Author, who is known to be learned and judicious.

1. Besides that manifest and gross kind of Idolatry, whereby Divine or Religious Worship is given unto the Creature instead of God, there is another more secret and subtle sort, which rendereth not Divine Worship unto the Creature as it is considered in it self, but as it carrieth a certain relation and respect unto God, who is to be worshipped for himself, and therefore is commonly called Relative Worship. The reformed Kirks convince the Papists of manifold Idolatry of this kind, and howsoever the Papists gather tog ther many fig tree leaves to hide their nakedness, yet there is nothing more certain, than that both the Gentiles and Jews pleased themselves in this sort of Worship as may appear from Rom. 1. 20, 23. Deut. 4. 12, 15. and many other places.

2. As in the grosser kind of Idolatry it matters not, as touching the point of Idolatry it self, whether the object of Adoration, and that which we worship with divine honour, be the invention of our own head, or the Creature of God, as the Sun, Moon, or Stars, or made by our hands as an Image, or some thing ordained of God. And finally, whether it be a thing consecrated or not, for the adoration of the Bread in the Sacrament is Idolatry, no less than the Adoration of the Sun in the Firmament. or the Adoration of an Image the work of mans hands. "For their Error is more tolerable who worship for God a Statue of Gold or Silver, or an Image of any other matter, as the Gentiles worshipped their Gods, or a red Cloth lifted up upon a Spear, which it reported of the Lappians, or living Creatures, as sometime the Egyptians, nor theirs who worship a piece of bread. Coster. Enchir. chap. 12. In like manner, in the other sort of worship which is relative, it is all one matter touching the point of Idolatry, whether the secondary or subordinate object of our Adoration, and that which participates of the Worship of God, be a thing natural, as the Sun or the Moon, or a thing Artificial, as an Image, or some thing ordained of God, but for another end, as the Brazen Serpent, or a thing Consecrated of God, but not to be worshipped, as the Sacramental Bread, for although there be a very wide difference amongst those things in respect of Will-worship; And because nothing can be a mean of the Worship of God, but that which is ordained of God, and the Sacrament is a mean of Gods Worship, an Image is not a mean, yet in the point of Idolatry there can be no difference at all, because no Creature of whatsoever kind can so much as take of the Worship of God without the guiltiness of Idolatry.

3. We fall into two evils, when we adore before an Image, one is, when we make the Image a mean or middle of the Worship of God without a warrant from God, whence it is that Adoration before an Image is Will Worship; and although it had no other evil in it but this one, it becometh to be (by interpretation, as they use to speak, or by consequence) Idolatry, for whosoever appointeth of his own head a new manner or mean of Divine Worship, by consequence also appointeth another God, which he thinks delighteth in that Form of Worship. The other evil is that Adoration before an Image is properly and formable Idolatry, because thereby Religious Worship is rendred unto another than

than unto God, and in some measure and degree the Image is made partaker of the Worship of God, which is cleared at large by the Divines of the Reformed Kirks. Now in our Adoration before the Bread we are free of the former of the two evils, because the Sacrament is a mean of Worship authorized by God, but we cannot possibly be free of the other evil, because the Adoration before the Bread, and before an Image are altogether alike in respect of the participation of Divine Worship. They who are enemies to Images (saith Vasquez in his second Book of Adoration, disp. 8. c. 13. ) and use Images only for History and remembrance, do not bow their knees, nor prostrate themselves before them: For so they should adore them, with an external sign of Worship. He who is religiously prostrate before the Cross (saith the Bishop of Spalato, Book 7. pag. 293. ) he must have the Cross for the object of Adoration. Although Images were means of Worship ordained of God, such as the Sacrament is, yet were it not lawful to Adore before them. And the Arguments whereby our Divines prove the Worship of Images to be Idolatry, aim not at this point to shew that Images are not lawful means of Worship, for that were nothing else but to prove that Worship before Images were Will-Worship, but they labour for this, that the Papists while they adore before Images, they give that unto the Creature which is proper unto God, and the Papists in this question use not this defence, that Images are lawful means of Worship, but that the Worship of Images is relative, and resolveth upon the patterns whose Images they are.

4. That we may have a further insight in this truth, we must learn, as in other parts of Divine Worship, so in our Adoration before the Bread, to distinguish betwixt that which is internal in the mind, and that which is external in the senses and gestures of the body, or ( as the Schoolmen speak ) betwixt the spirit of Adoration, which they make the inward affection of subjecting our selves to that which we adore; And the external mark or sign of Adoration, which they also call the material part of Adoration, for suppose it were true that the whole thoughts and affections of the Soul were taken up, and exercised about the thing signified in the Sacrament, and that nothing were intended but to render the whole Worship unto God, yet the very nature of the Sacrament ( which is well called the visible word ) of necessity doth require that our eyes, and therefore our gestures, the bowing of our knees, and that whole material part of Adoration be directed toward the Elements in the Act of receiving, in so far that although the Elements were nothing else to the mind but only signs to bring us to the right remembrance of the thing signified, it cannot be eschewed, but they must be the object of the outward Adoration of the body, which is directed toward them, and therefore Adoration before the Bread, must needs be the Adoration of the Bread, even as the Adoration before the Image, the Adoration of the Image, while the Image to his mind, that adoreth, is nothing else but a sign, bringing the Pattern to his remembrance.

5. Since there be two kinds of Divine Worship, one immediate, as for example, Prayer, Thanksgiving, the religious hearing of the voice of God speaking to us immediately: The other mediate, as the ordinary hearing of the Word, and receiving of the Sacrament. It is both lawful and suitable to use the gesture of Adoration in Prayer, in Thanksgiving, and when we hear the immediate Voice of God, because no visible middle cometh in betwixt God and us that can be the Object of our Adoration: But in the ordinary hearing of the Word at the mouth of the Preacher, and in the act of receiving the Sacrament, it is neither suitable, nor lawful to adore, for that were to adore in a mediate Worship, or to adore mediately, which both by force of truth, and confession of both sides must be Idolatry.



6. It is therefore unlawful to adore before the bread, or to kneel in the very act of receiving the Sacrament, not only by reason of the danger of Bread-worship, wherein the Bread is adored instead of Christ by the ignorant multitude; neither is it only unlawful, because it is Idolatry to adore before the bread for reverence and due regard of the Sacrament, which cannot be avoided by them who adore according to the meaning of the Article of Perth Assembly; But it is also unlawful, because Adoration before the Bread, even in the very nature of the action it self, is Idolatry, neither is it possible for any man to make his Adoration before the bread not to be Idolatry, except he will take away the Element, that is, the Sacrament it self from the Sacrament, which is impossible.

7. And therefore they are to be commended, who far from all Idolatry, and from all peril and appearance of Idolatry, do sit or use an ordinary Table-Gesture in the Supper of the Lord: Since neither the Evangelists, nor the Apostle Paul have written so much as one word, which may give the least suspicion, or ground of conjecture, that Christ and his Apostles did change their ordinary and common form of sitting at Table: Since it is certain from the whole frame of the Institution, that the Supper of the Lord was an holy Feast or Banquet, and since by so doing the whole Institution of Christ, which is very many ways defaced by kneeling, is kept safe and sound. It is not far from blasphemy (saith Paræus) to say, that the Kirk hath with greater wisdom made any change in the Eucharist for what were that but to say, that the Kirk is wiser than Christ himself, as if he had not known well enough, what was able to procure greatest reverence to the Sacrament, or what should carry with it the least peril, which is a Blasphemy worthy of the followers of Antichrist.

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Mr. William Cowper, Minister at Perth, his Letter, written before he was Bishop of Galloway, to Mr. George Graham, Bishop of Dunblane, Anno 1606.

Brother,

I Have received your commendations from B. which were needless, if you had kept your wonted heart. As for me, I never hated you, your course wherein ye are entered I never loved. Although the fruit ye enjoy be sweet, yet the end shall prove it never grew on the tree of life. Doing in a work of Conscience with doubting turneth light in darkness, whereupon followeth induration. Whereof it followeth that many in our Kirk without feeling are Coursers against their Brethren, that have done more good in the Kirk for edification of others than ever themselves did, having neither eyes to see, nor hearts to feel how dangerous their estate is, who cannot rise but with the falling of many who in God have entered this Ministry, closing the Fountain that God hath opened. One of your own told me, long ere the last Ministers went to England, that they were written for to Reason, but the end proved Prison, and no appearance of returning to some of them. These are the first fruits of your preferment. Here ye stand, and therefore I cannot stand with you, except it be to witnesse to God in mine heart against you, that ye have gone wrong. Ye hope in this course to do good, but it is hard for you to work miracles: At least he will hold of evil: But how shall ye draw in a yoke with them that are drawing on evil dayly. Ye will not go beyond the Caveats of the general Assembly. But the answers given to the Commissioners of the Kirk at the last Parliament by the

Chancellour

Chancellour ( we enter not Bishops according to an Act of the Assembly, but according to that which they were were an hundred years since ) detexis fraudem. I heard it given, and so did the chief of themselves, A. B. C. ye skair at them whom ye were blyth to see, ye like not the light ye loved, ye count these Preachings unpleasant, wherein ye were wont to rejoyce. These may tell you ye have fallen. Consider your self, where ye was, where ye are now, & quantum illud fit propter quod nos reliquisti. Thus loving your self, and not your way, I end.

Mr. Gavin Hammilton, Bishop of Galloway, was sent up to Court by the rest of the Bishops, after the Convention of the Estates, which was holden about the end of January 1609. I have here set down the Instructions or Memorials recommended to him by the rest of the Bishops, written by Mr. John Spotswood, then pretend it Bishop of Glascow, and subscribed by him in the name of the rest.

*Memorials to be proponed to his most excellent Majesty.*

1. **Y**ou shall relate the proceedings of the late Convention, and what affection some that were present keithed therein, that his Majesty may be forseen with mens disposition, for the better choice of those to whom the affairs shall be concredited.

2. You shall remember the care we have had of reclaiming the Marquess of Huntly, and the Earl of Aral from their errors, and the small profit we have seen thereof, and insist for his Majesties favour to the Petition of our Letter.

3. Anent the Ministers that are confined, your L. shall excuse the request made by us in some of their favours, shewing how it proceeded, and further declare that of late they have taken course to give in supplications to the Council for their enlarging to a certain time, for doing their particular business at Session and otherwise in the Country, and that some of them have purchased licence by the Votes of the Council, albeit we opposed. Therefore beseech his Majesty to remember the Council, that the confining of these Ministers, was for faults done by them to his H. self, and that they should be acknowledged and confessed to his Majesty and his H. pleasure understood therein before the grant of any favour, otherwise they shall undo all that hath been hitherto followed for the peace of the Kirk.

4. Touching the erections it is our humble desire to his Majesty that the Noblemen, in whose favours the same have been past, may take order for the provision of their Kirks, according to the conditions made in Parliament, or then discharge their erections: Which seems best to be done by an Act of this ensuing Session of Parliament, for which his Majesties Warrant would be had. And some such like course would be taken for the Prelacies erected, which have past also the constant Plat, that the presentation of Ministers to the modified stipends at the vacancy of the Church should be in his Majesties hand, whereunto though his Majesties express commandment was given of before, no heed was taken by such as had the charge of affairs.



5. Since this matter of the Commisariats importeth so much to the reformation of our Church Government, as this being repaired in a little time, the rest may be supplied which will be wanting, it shall be good to remember it by a serious Letter to my Lord of Dumbar, that we may know in due time what is to be expected. And since our greatest hindrance is found to be in the Session, of whom the most part are ever in heart opposite unto us, and forbear not to keith it when they have occasion, you shall humbly intreat his Majesty to remember our sute for the Kirkmans place, according to the first Institution, and that it may take at this time some beginning, since the place vacant was even from the beginning in the hands of the spiritual side with some one Kirkman or other till now, which might it be obtained, as were most easie by his Majesties direction and Commandment, there should be seen a sudden change of many humours in that estate, and the Commonwealth would find the profit thereof.

6. Anent our Conference with the Ministry, your L. will declare the time that is appointed, and reasons of the continuation of the same.

7. Because in the time of Parliament chiefly, it should be expedient to have the Bishops to teach in the Pulpits of Edinburgh, his Majesty would be pleased to command this to my Lord of Dumbar by a particular Letter, and to require also the Ministers of Edinburgh to desire their help at that time, if it were for no other end, but to testifie their unity and consent of minds to the Estates.

8. Because the Kirk of Leith lieth destitute in a sort through the Bishop of Rosse his age, and the imprisonment of Mr. John Murrey, and that the said Mr. John is no ways minded, as appeareth, to give his Majesty satisfaction, neither were it meet, in respect of his carriage, that he should return to that Ministry, and to insist in his deprivation with the Commissioners might perhaps breed us a new difficulty, if his Majesty shall be pleased, we do hold it most convenient for the Errand, that the said M. John be convened before the Council by his Majesties command, and by them charged to waide in the Town of Newabbey, and some miles about, having liberty to teach that People, among whom he shall find some other subject to work upon than the state of Bishops. And for the provision of Leith, that his Majesty would be pleased to command the Presbytery of Edinburgh, in regard of the Bishop of Rosse his age, and the said M. Johns transportation by his H. appointment, to have care that said Kirk of Leith be planted with all convenient diligence by M. David Lindsey, sometimes Minister at Sant Andrewis, for whom both the people is earnest, and we may have sufficient assurance to his Majesties service. And in case the said Presbytery prove wilful, that another Letter to the same effect may be sent to the Commissioners of the General Assembly, who may take order to see that matter ended, if such shall be his Majesties pleasure, and this would be done with all diligence convenient.

We cannot but remember also the misorder kept in the Country, that once was happily repressed, wearing of Guns and Pistols, and humbly beseech his Majesty that some new course may be established for searching of such persons, and delating of them to the Council, that they may be punished, and the Thesaurer may have commandment to make choice in every Country of certain that shall be thought fittest to search, who shall be known only to his L. self, and satisfie them for their pains, to the end this insolence may be restrained. Particularly it would be forbidden in the granting Commissions, that this liberty be not permitted, for this is one of the causes of their so open dealing, as said is.

These particulars, your L. would have care to propene to his Majesty at some fit time, and see the answers thereof dispatched accordingly.

Glasgow by the warrant and at the desire of the rest of my Lords  
the Bishops.

X

Mr. George

Mr. George Glaidstones sent this Letter following to the King in August 1612. whereby the Reader may perceive what were their Plots and preparations before the Parliament following in October, where the Act of Glasgow was ratified, or rather altered.

Most gracious Sovereign,

**A**S it hath pleased your Majesty to direct me, and my Lord your Majesties Secretary for advising anent our Affairs to be handled in this approaching Parliament, so happily did I find him, and my Lord of Glasgow both in this Town, and convened them both immediately after mine arriving, and with good advisement we have made choice of these things which are most necessary, and have omitted these Articles which may seem to carry envy or suspicion, or which your Majesty by your Royal Authority might not perform by your self. But we all hold fast this conclusion, that it is most necessary and convenient, both for your Majesties Service, and weal of the Church, that the day, viz. the twelfth of October shall hold precisely, to the which the Parliament was Proclaimed upon the twenty fourth of this instant. I will assure your Majesty that the very evil will, which is carried to my Lord Chancellor by the Nobility and People, is like to make us great store of friendship, for they know him to be our professed enemy, and he dissembled it not. I thank God, that it pleased your Majesty to make choice of my Lord Secretary to be our Formalist, and Adviser of our Acts: For we find him wise, fast, and secret. We shall not be idle in the mean time to prepare such, as have vote to incline the right way. All men do follow us, and hunt for our favour, upon report of your Majesties good acceptance of me and the Bishop of Cathnes, and sending for my Lord of Glasgow, and the procurement of this Parliament without advice of the Chancellour. And if your Majesty will continue these shining beams, and shewes of your Majesties favour, doubtless the purpose that seems most difficult, will be facilitate to your Majesties great honour, and our credit, which if it were greater than it is, your Majesty could receive no interesse. For besides that no Estate may say, that they are your Majesties Creatures as we may say, so there is none whose standing is so slippery, when your Majesty shall frown as we: For at your Majesties nodd we must either stand or fall. But we refer the more ample declaration of these purposes, and other points of your Majesties Service, to the sufficiency of my Lord of Glasgow, and my good Lord Secretary, the fourteenth Bishop of this Kingdom. But my Lord of Glasgow and I am contending, to which of the two Provinces he shall appertain. Your Majesty, who is our great Archbishop, must decide it. Thus after my most humble and hearty thanks for your Majesties good acceptance, and gracious dispatch lately which hath filled the Ears of all this Kingdom, I beseech God to heap upon your Majesty the plenty of all spiritual and temporal blessings for ever, I rest

Edinburgh the last  
of August 1612.

Your Majesties most humble

Subject and Servitour

S. Andrewis.

Mr. William



Mr. William Struther one of the Ministers of Edinburgh, and a Conformitane, howbeit he was content to accept a fat Bishoprick, yet was content in end to forgo the lean Ceremonies to live in the greater ease and peace, as this Letter following, directed to the Earl of Arth, to be presented to his Majesty, testifieth.

My very good Lord,

**I** Visit your L. with this Letter, and that for the end which I spoke more largely in conference, ever for the peace of this poor Kirk, which rent so grievously for Cerimonies. There is also some surmises of farther Novations of Organs, Liturgies, and such like, which greatly augments the grief of people, but the wiser sort assure themselves of his Majesties Royal Wijdom and Moderation, that his Majesty would impose no new thing, if his Majesty were timously informed of these, and the like reasons.

1. Because King James of happy memory, made the Marquess of Hamilton promise in his Majesties name to all the Estates of this Land solemnly in face of Parliament, that this Church should not be urged with any more Novations than these five Articles, that then were presented to the Parliament, upon which promise the Parliament rested, and gave way the more chearfully that these Articles should pass in Act of Parliament.

2 Next, because the motion, that is said to be made to his Majesty of these Novations, is made by and beside the knowledge and conscience of the Kirk of this Land, who are heavily displeased for that motion, and more because it is alleaged to have been in their name, who knows nothing thereof but by report.

3. Because our Church lies already groaning under two wounds, the first of the erection of Bishops, the other of Kneeling. But if a third be inflicted, there is no appearance but of a dissipation of this Church. In the first, people were only anlookers on Bishops state. The second touched them more in celebration of the holy Sacrament, but yet least arbitrary to them. But the third will be greater, because in the whole body of publick Worship they shall be forced to suffer Novelties.

4. Because the Bishops are already publici odii victimæ, and born down with contempt, and that vexation is intolerable, when they depose any Brother for not conformity, they scarcely can find an expectant to fill the empty place, and that because they become so odious to the Flock, that they can do no good in their Ministry. But if any further Novation be brought in, the Bishops will find ten for one to be deposed, and that of those who have already given obedience to the five Articles, who will rather chuse to forsake their places, then to enter in a new fire of combustion.

5. Lastly, because it is observed by such as are Judicious, that the former Schisms have shaken the hearts of the People in Religion, and hath produced odium Vaticanum among Brethren, Popery is increased in the Land, and if any further come in, it will be seen, that universally people will be made susceptible of any Religion, and turn Atheists in gross.

Your L. knows I am not one of those who stand out against order, but do suffer for mine obedience, and therefore the more boldly I suggest these reasons unto your L. I dwell in the most eminent part of this Land, and so I have occasion to see more what is the fruit of a Schism. I profess an unspeakable grief to see any thing done that may trouble the peace of a Church, and divide the hearts of a good people from a good King. Our fire is so great already, that it hath more need of water to quench it, than oyl to augment it.

Edinburgh the 28 of January 1630.

X 2

The

*The Lord Keepers Speech in the Star-Chamber at  
such time as he delivered the Judges their Charge  
from his Majesty before they went their Circuits,  
Anno 1638.*

*My Lords the Judges,*

**H**IS gracious Majesty ever studious and careful of the weal of his people, remembring the Term being now at an end, and that the Affizes draw near for you the Judges of the Realm to depart into your Circuits, and to divide your selves into all the parts of the Kingdom, and therefore hath required, that according to the usual custom in former times, something should be said unto you in this place, that your selves may know and acknowledge to others the singular care and zeal of his Majesty, for the maintenance of Religion, Justice, and Government throughout his Kingdom. The service and performance of your Circuits, in the minds of some, obtains no further place, but only as a matter of Course, but they would soon change their minds if they wanted it but a while, and through the wisdom and deep Judgment of his Majesties Circuits in *England*, have place as one of the chiefest ways of Peace and Government, and upon a just and sure ground, for by the Circuits comes an infinite ease to the Subjects both for travel and charge, to have publick Justice in all parts of the Kingdom distributed to men at home, even at their own doors as it were; The Circuits of the Justices of Assize, did succeed the seat of the Justices in *Oyer*, and by their trial and experience thereof so long, it is found so much better to the condition of the Government of this Kingdom, as that they have antiquated the form.

I have often spoke unto your Lordships in this place of many particular things examinable in your Assizes and Circuits, and therefore I may well both for your ease and my own forbear now any long discourse, and contain my self to some few particulars.

Religion requires the first place, for it is bruited, that Recusants in many parts of the Kingdom do exceedingly encrease, which I am sorry and unwilling to believe if but for your sakes; For I do not well see, if it be true, how the Judges of the Realm will be esteemed blameless, for sure I am that from his Majesty in this place you have been constantly and continually called upon; And therefore if they encrease so much in your Circuits, and so little in the Kings Treasure, certainly there is a fault, that there is so few convicted: Besides your selves, others owe a duty to their conviction, but they are subordinate, the Justices of Peace they bear a great sway in this business; certainly from them, the Service receives stronger or weaker prosecution.

This I hold more seriously to be considered in this time, because it is said, and I am afraid too truly, that many men Popishly affected endeavour to pervert others, or deceive them for worse ends; they do not stick to say, that the Bishops and Prelates of our Church of *England* are inwardly affected that way, and they do not spare the Sacred Person of the King himself, but give out that the King in heart is a Papist, by the

Statute



Statute of 2 R. 2. these are stiled to be horrible and false lies, of which great peril and quick destruction may ensue to the whole Kingdom; and therefore to the singular honour of his Majesty, the blessed comfort to his Subjects well affected, and Terrors of such as cast such aspersions upon him, or the Prelates of the Kingdom.

An exemplary and remarkable piece of Justice hath this Term been done in this Court upon one *Pickering*, a *Shropshire* man, for such a Scandal against the King; he was brought from thence by Master Attorney to be here prosecuted against, though not in an ordinary way, but by the Kings own and immediate direction, and therefore held it my duty to make this mention of it here, that you may mention it in all places in your Circuits, and beat down those scandalous rumours, that all men may know the sincerity of the Kings heart, and how he doth distaste all back-sliding in Religion.

Next to the case of Religion, I am to put you in mind of the discovering and apprehending of Felons and other Capital Offenders, and of doing justice between party and party in all causes that shall come before you in your Circuits, his Majesty doth expect a due and careful execution of Justice, according to the duty you owe to God, his Majesty, and your Country.

But I may not forbear to mention a particular which I have often given you in charge, concerning the Kings Printed Orders, above eight years ago, wherein excellent rules are set down for the repressing and punishing of Vagabonds, imploing of Houses of Correction, abridging of the number, and reforming the abuses of Ale-houses and Tipling-houses, binding of Apprentices, and setting of work of poor People: Of these the Sheriffs and Justices of Peace were to give an account to you the Judges of the Realm, and you to render your account to the Council Board, wherein you have failed to do as it was expected from you: Therefore I am to put you in mind that a more exact account will be required from you herein, and therefore be more careful to call on the Sheriffs and Justices of Peace, that you may return an answer thereof to the King and State.

There is a great and general complaint at this time of Rates and Prizes, to which all things are enhaused in Corn, Hay, Cattel, Victuals, and all other things appertaining to the food or use of man. The time hath been when the Court of Kings Bench, and the Justices of Oyer, who are next unto the Justices of Assize, took these things to heart; there was never more need of a reformation in this kind than now, though in some things it may be attributed to Gods punishment upon us by unseasonable weather in the last and some former years, yet without doubt the greatest part of it cometh from the malice and hard-heartedness of men, from Ingrossiers and forestallers; that do it to keep up the Markets for their own advantage. There can none so well give remedy to this as you the Justices of Assize, and the Justices of Peace should take care of this for their own Commodity and Benefit, methinks that should prevail with them, though it were not for the publick good. The Major that hath the Clerkship of the Market ought to seek this reformation, he hath it by Charter, but a great many of the Deputies under them take more care for their Fees, than to look to the duty of their Places, therefore it behoves you the Justices of Assize to take some pains to reform these abuses.

One thing more I am to insist upon, you have formerly received admonition from the King and Council Board, that care be taken that equal

Rates

Rates throughout all your Circuits be made on the Kings Subjects ; This is a thing worthy of his Majesties care and your endeavour, it is a heavy thing that in cases of publick Services, that those that are rich should put off all from themselves, and lay it upon the poor and friendless, that is the general case, whether for the levying of men, providing of Munition, &c. generally I find the Landlord finds a way to ease his own Demeasne, and lays the Burden upon his Tenant, and the rich man upon his poor Neighbours ; I know well you have given this in charge to the Justices of Peace in your Circuits ; But for all I see, it is followed so slowly in the Country, as if it were a thing not fit the undertaking, and so it vanisheth, but his Majesty will not be so satisfied, for every day at Council-Board Petitions come and complain of their great grievances in being so unequally taxed. And therefore his Majesty doth require, that I should declare in this place, and command in his Majesties name, that you proceed heartily and quickly in this service, that his Majesty may receive a speedy account of it.

I might speak many things more, but I know to whom I speak, you know them before I speak them. Therefore for all other things that shall fall out to be examinable, or enquirable in your Circuits, as his Majesty leaveth them, so do I, to your Wisdoms and Judgments ; and I do heartily pray, that both his Majesty may receive honour, and his People a comfort, by the performance of your service.

*The*



*The Argument of Mr. Justice Hutton.**28. Aprilis Anno 14. Car. Regis Anno Dom. 1638.*

A Scire Facias brought by the Kings Majesty in the Exchequer  
against John Hampden. *Bucks J.*

*The Case upon the Pleading appears to be this.*

**T**He Kings Majesty, by his Writ under the Great Seal of *England*, bearing date the fourth day of *August*, in the Eleventh year of his Reign, directed to the Sheriff of the County of *Bucks*, and to the Bailiff and Burgeses of the Borough and Parish of *Buckingham*, and to the Mayors of divers particular Towns in the said County of *Buckingham*; and to all honest men in the same, and in all the Towns, Villages, and places in the said County, sendeth greeting: Reciting, that where he is given to understand, that certain Robbers, Pirates, and Spoilers by Sea, as well enemies to the name of Christians, as Mahometans, and others being assembled together, not only to take and spoil our Ships, and the Goods and Merchandizes; but also the Goods and Merchandizes of the Subjects of our friends upon the Sea (and which had of old been used to be defended) at their pleasures, and to take and carry the men in those Ships into most miserable Captivity, and there keep them.

And the King doth see that they daily provide Ships to vex our Merchants, and grieve our Kingdom, unless speedy remedy be provided therein: And considering the perils which in these times of War are every where imminent.

The King for the defence of the Sea, the security of his Subjects, the safe conduct of the Ships, and Merchandizes, being willing (by Gods assistance) to provide, the rather for that he and his Progenitors, Kings of *England*, have been Lords of the Sea.

And where this charge of publick defence which concerneth all, ought to be supported by all, as by the Laws and Customes of this Realm of *England* it had been done.

Therefore the King by his Writ commanded, that a Ship of War of the burthen of Four hundred and fifty Tuns, fitted and furnished with all things necessary for War, and one hundred and eighty men able and sufficient Victualled, and this to be done before the first of *March*: And then at that time to come, so prepared, furnished, and victualled, for the space of twenty six Weeks then next following, and with Wages for so many Men of War for that time, to *Portsmouth*, into the company of such other Ships of our Subjects, and our own as shall be there, under the government of such a man, to whom before that day we shall commit the custody of the Seas; and to go from thence with the King's Ships, and the Ships of other our faithful Subjects, for the defence of the Sea, and the repulling and overcoming of any whatsoever, which shall molest and hinder the coming in, or going out of our Merchants, or others upon the Seas.

A power is given by the Writ to the Sheriff, and to the Mayors, and any two of them for Corporate Towns, whereof the Sheriff to be one, to assess what Sum the Mayors and Corporations shall pay towards this charge; if they do not, then to be done by the Sheriff alone.

A general power to the Sheriff, to assess all the Inhabitants of all other Towns, Villages, Hamlets, and places, and the Ter-tenants, other than such as shall have a part of the said Ship, or shall serve in the said Ship, to contribute towards the necessary expence for the provision of the premises, upon every man according to his Estate and faculty: And such portions so to be assessed upon them, to levy by distress, or other due means.

*A Power to name Collectors.*

And a Power to commit to Prison all such as the Sheriff shall find rebellious, or contradicting the premises; there to remain until the Kings Majesty shall think fit to give order for their enlargement.

And by vertue of this Writ, Sir *Peter Temple*, then Sheriff of the said County, did assess upon the Defendant twenty shillings, towards this charge, which was after allowed by the succeeding Sheriff, Sir *Henry Proby*, and the Defendant was required to pay it, but refused.

And then by a *Certiorari* out of the Chancery directed to those Sheriffs, which had been Sheriffs betwixt the fourth day of *August*, in the Eleventh year, and the first of *March* then following, to certify what Sum of money had been assessed upon the Defendant for contribution.

*They certified the said Sum of twenty Shillings.*

Then by a Writ of *Mittimus*, out of the Chancery, bearing date the fifth day of *May*, in the thirteenth year of the Kings Majesties Reign, the Writ of 4. *Augusti Anno undecimo Car.* And the Schedule returned into the Chancery, whereby the Defendant was so assessed, are sent into the Exchequer, to proceed against the Defendant, for the levying of the Sum of Twenty Shillings, which he hath not paid, and proceed there to do that which of right, and according to the custom, ought to be done for the levying thereof.

In this Writ of *Mittimus* it is contained, that the Writ bearing date the fourth of *August*, *Anno 11. Car.* was granted for the defence of the Realm, the safeguard of the Sea, the security of the Subjects, and for that the safety of the Kingdom was in danger.

But these causes are not expressed in the Writ, but other particular causes.

And upon the tenours of these Writs, depending in the Chancery, thus sent into the Exchequer; this Writ (of *Scire fac.*) is awarded, bearing date the twentieth day of *May*, in the thirteenth year of the King's Majesties Reign, against the said *John Hampden*, to shew what he hath to say for himself, why the said Sum so assessed upon him and not paid, ought not by him to be satisfied, and to do further what that Court should think fit to order.

To which Writ the Defendant appeared in *Trinity Term*, and prayed the sight of the Writ of the fourth of *August*, and the *Certiorari*, and the *Mittimus*, and they are all entred (*in hac verba.*)

*Whereupon*

This Writ is dated *Martii Anno 12 Car.*

The Writ of *Mittimus* bears date the 5. of *May. Anno 13 Car. Regis*



*Whereupon the Defendant did demur generally.*

And Mr. Attorney General joyned in Demurrer, and the Record being read there and opened, the Court did adjourn it into the Exchequer Chamber, before any Argument there at the Bar.

*The sole Question is, Whether this Scire Facias doth lie or not.*

And I am of opinion that it doth not lie, but that Judgment ought to be given for the Defendant, both for the matter, and the manner of this proceeding.

And to the intent that whatsoever I shall say, may the better be understood ; I will observe this order in my Argument.

First, I will prove by several Acts of Parliaments, and by some Authorities in Books, and by some Reasons, that the Kings Majesty cannot at this day, impose any such charge in general upon all his Subjects as this is, without their consent in Parliament.

Secondly, I will give answer to such Objections as have been made by the Kings Council, and by some of my Brothers against these Statutes, and to such Cases as they have applied to prove the contrary.

Thirdly, I will answer those precedents, which have been insisted upon, to prove that the like charge hath been before imposed by the Kings Progenitors, Kings of this Realm ; And I will shew some precedents of more force to the contrary.

Fourthly, I will insist upon the disuse of the attempt of imposing any such general charge, by this way, at any time since the beginning of the Reign of King *Henry* the Fourth, which is almost two hundred and fifty years since : And many other courses and kinds of attempts, for levying of moneys : And this way not attempted till of late.

Fifthly, I will insist upon the Writ of 4. *Augusti Anno 11. Car.* That the matter therein comprised doth not contain sufficient Warrant, for the levying of such contribution. And that the matter which is added in the *Mittimus*, cannot supply or make the Writ of 4. *Augusti* sufficient : And that the *Scire facias* it self is insufficient.

Lastly, I will give some Answer to that which heretofore was objected by Mr. Solicitor : That the Judges had formerly by a subscription to some Propositions, which they were required to answer, his Majesty (as he conceived) resolved this point already.

My Brother *Jones* hath been long, and I will observe my own method, and Answer him by my Argument ; And I will contract that which I have to say, in as short a manner as I can.

And for the first Point and Reason, which I do insist upon, is, that this power to charge the people of this Realm at this day, by the King only, is taken away, bounded and limited by divers Acts of Parliaments, to be done by consent of the Subjects, and only in Parliament.

First, By the Statute of *Magna Charta* it is enacted that no Freeman shall be taken, or imprisoned, or disseised of his Freehold, or of his Liberties or Free Customs, or Outlawed, or Exiled, not by any means destroyed ; neither will we come upon him, or send him to Prison, but by lawful judgment of his Peers, or by the Law of the Land.

*Anno 9. Hen. 2.  
Magna Charta  
cap. 29.*

This Statute, as appears by the *Inspeximus* of King *Edward* the First, Son of King *Henry* the Third, was made of the free good will of the King, for the good of the Church, and for the Amendments of the Kingdom.

See the Last  
Chapter of  
*Magna Charta*.  
cap. 38.

And if you look upon the last Chapter of *Magna Charta*, Cap. 38. the King grants, that he and his heirs will, for what concerns him, well observe and keep the same in his Kingdom, and will that as well Clerks, as Lay-men shall observe the same: And this was not done for nought, for the Clergy and Commualty, did give to the King for these Liberties, the fifteenth part *omnium mobilium*, as appears in the same Chapter.

And further in the said Chapter it is contained, that the said King, for him and his Heirs did grant, that neither he, nor his Heirs should do any thing, nor procure to be done any thing whereby these Liberties thus granted might be infringed or diminished: And that if any thing were done by any other to the contrary, it should be void, and held of no force; See the Statute.

Statute of  
25 *Edw.* 1.

And then King *Edward* the First his Son, in the five and twentieth year of his Reign, the very first Chapter of that Parliament, confirmed the Charter of *Magna Charta*, for the honour of God, and of the Holy Church, and profit of that Realm, with Writs to all Justices, Sheriffs, and others, that they cause the said Charter of Liberties to be published: And to declare to the People, that we have confirmed them in all points; And that Our Justices, Sheriffs, and other Ministers, which under us have the Laws of our Land to guide, shall allow the same. That is, to wit, the great Charter, as the Common Law, and the Charter of the Forest, for the wealth of our Realm.

And where my Brother *Berkley* did say in his Argument, that the words of the Statute of *Magna Charta* were, *quod habeant libertates suas*, but that there were no particular liberties: To that the Answer is easie, for it is in the Preamble, and the first Chapter, *Habeant libertates subscriptas tenendas in Regno nostro Angliæ tenend. eis & heredibus suis, imperpetuum*. And it cannot be denied but that the Clauses of the Writ of 4. *Augusti*, which gives not only power to restrain, but if any be rebellious or contrariant to the premisses, to commit them to Prison, there to remain until the Kings Majesty shall for their deliverance think fit to order other ways, are directly contrary to the express Letter of this Statute of *Magna Charta*, and so consequently against the Law of the Land: For this Statute is made by the said Statute of the five and twentieth of King *Edward* the First, the Law of this Land.

This Statute of *Magna Charta* hath been ever since, and now is put in use for the great priviledge of the trial of the Peers of this Realm for Treason or Felony, For there [ *Peers*, ] is grounded upon the words of this Statute ( *viz.* ) *Per legale iudicium Parium suorum*, as you may see in *Stamford* in his Book of the Pleas of the Crown, fol. 152.

*Stamford*,  
fol. 152.  
25 *Edward* 1.  
cap. 5.

Then by the statute of 25 *Edw.* I. cap. 5. It is Enacted, " And foras-  
" much as divers people of our Realm are in fear, that the Aids and  
" Taxes, that they have given to us before-time towards our Wars, and  
" other busiuefs, of their own grant and good will, howsoever they were  
" made, might turn to a Bondage to them and their Heirs, because they  
" might be at any other time found in the Rolls: And likewise the prizes  
" taken by our Ministers through the Realm, we have granted for us and  
" our Heirs, that we shall not draw any such Aids, Taxes, or Prizes, into  
" a Custom for any thing that hath been done before, be it by Roll, or any  
" other Precedent that may be found. And



And in the same Parliament, in the sixth Chapter it is thus: "We have granted for us and our Heirs as well to Archbishops, Bishops, Abbots, Priors, and other Folk of holy Church, as also to Earls, Barons, and to all other the Communalty of the Land, That for no business from henceforth, we shall take such manner of Aids, Taxes, or Prizes but by the common consent of the Realm, and for the common profit thereof: Saving the ancient Aids or prizes due and accustomed.

The Statute  
of 25. *Edw. 1.*  
cap. 6.

Observe the words in this Statute, that for no business he shall take any manner of Aids, Taxes, or Prizes, but by the common consent of the Realm.

The Words of this Statute are so plain (for no business,) as they include all, and admit any exposition.

Then in 34 *Edw. 1. cap. 1* It is enacted, "No tallage nor aid shall be taken or levied by us or our Heirs in our Realm, without the good will and assent of Archbishops, Bishops, Earls, Barons, Knights, Burgesles, and other Freemen of the Land.

34 *Edward 1.*  
cap. 1.

Then by a Statute made the fourteenth year of King *Edward* the Third, It is in this manner; "That whereas the Prelates, Earls, Barons, and Commons of our Realm of *England* in our Parliament holden at *Westminster* upon *Wednesday* in Mid-lent, in the fourteenth year of our Reign over *England*, and the first over *France*, have granted to us of their free and good will in aid of the speed of our great business which we have to do, as well on this side the Sea, as beyond, the Ninth Sheaf, the Ninth Fleece, and the Ninth Lamb, to be taken by two years next coming after the making of the same; And the Citizens and Burgesles, of Cities and Burroughs, the very ninth part of all their goods; and the Foreign Merchants and others which live not of grain, nor of flock of Sheep, the fifteenth part of their goods to the value. We willing to provide for the indemnity of the said Prelates, Earls, and other of the Commonalty, and also of the Citizens, Burgesles, and Merchants aforesaid, will and grant for us, and our heirs to the same Prelates, Earls, Barons, and Commons, Citizens, Burgesles, and Merchants, that the said Grant which is so chargeable, shall not another time be had forth in example, nor fall to their prejudice in time to come, nor that they be from henceforth charged nor grieved to make any aid, or to sustain the charge, if it be not by common consent of the Prelates, Earls, Barons, and other great men, and Commons of our said Realm of *England*; and that in Parliament.

14 *Edward 3.*  
cap. 1.

Then by the Statute made in the five and twentieth year of King *Edward* the Third, cap. 8. it is enacted, That no man shall be compelled to find men of Arms, Halberts, or Archers, other than such as hold by such services, if it be not by common consent and grant in Parliament, for that is against the common right of the Realm. Which last words, [for that is against the common right of the Realm] are in the Parliament Roll, but left out of the Printed Books of the Statutes.

25 *Edward 3.*  
cap. 8.

And this Act of Parliament is recited by an Act of Parliament made in the fourth year of the Reign of King *Henry* the fourth, the thirteenth Chapter, and enacted and observed in all things.

Confirmed by  
an Act of Par-  
liament in  
4 *Hen. 4.*

Then in the first year of King *Richard* the Third, and in the Second Chapter it is recited, That the Commons of this Realm, by new and unlawful inventions have been put to importune charge, especially by a new imposition, called, A Benevolence; It is enacted, that the Subjects

1 *Richard 3.*  
cap. 2.

and Commualty of this Realm, from henceforth in no wise becharged by any such charge or imposition, called a Benevolence, nor by any other such charge.

Then comes the Act of Parliament, made in the third year of the Kings Majesties own Reign, called the Petition of Right, whereby the Statute made in the time of King *Edward* the First, commonly called the Statute, *De tallagio non concedendo*, is mentioned, and many particular incroachments recited to be made upon the Liberties of the Subject; And many particulars being recited, it is required to be enacted, that no Loan of money against the will and good liking of the Subjects, Billetting of Souldiers, and Mariners in mens houses, there to sojourn against their Wills, Commissions of Martial Laws in time of peace. They do therefore humbly pray you, that no man be hereafter compelled to yield or make any Gift, Loan, Benevolence, Tax, or suchlike charge, without common consent by Act of Parliament, whereunto his Majesty consented with this Subscription. *Soit Droit fait come est Desire.*

And these are the Statutes whereupon I relie, that this charge cannot be laid upon the Subject by this Writ only without the aid of some Act of Parliament.

*Now for Authorities of Book Cases, and other Authorities concurring herewith.*

First, By the Case of 13 *Hen. IV. fol. 14, 15, and 16.* which were long debated, It appears that the King had granted an Office, for the measuring of Cloth in *London*, and a power to take so much for his labour.

There was a Writ under the Great Seal directed to the Mayor of *London*, commanding him to put the Patentee in possession; and the Patentee had put it into practice, and divers had paid money to the Patentee: And yet after upon a return, that there was no such Office, it is adjudged a good return; And it is there agreed, That the King cannot by his Patent create or erect a new Office, in charge of his people, without the special assent of the Commons: And the King cannot grant to any, that that he shall take of every Carriage that shall come over such a Bridge such a Sum; And it is said there in the Sixteenth Leaf, that a common charge, though it found to the profit of the people, cannot be granted out of Parliament: And this in my opinion is a strong case in the point.

Then see 37 *Hen. VIII. Broke* in Patents, *Placito 100.* The Kings Majesty may erect Markets and Fairs with Tolls incident: For that concerns only such as will buy: But the King cannot grant Toll *Travert*, nor a thorow Toll, nor alter or change Laws or Customs of the Realm, nor make Land deviseable or Gavel-kind or Borough English, or change Gavel-kind or Borough English to be descendable to the Heir; which is so agreed in divers Books.

Then in the Book of *Fortescue*, of his commendation of the Laws of *England*; It is thus written in the Ninth Chapter, the five and twentieth Leaf, The King of *England* cannot alter or change the Laws of his Realm at his pleasure; For why, he governeth his People by Power, not only Royal, but also Politick: If his power over them were only Royal, then he might change the Laws of his Realm, and charge his Subjects

13 *Hen. 4.* fol.  
14, 15, 16.

37 *Hen. 8.*  
*Broke* Patents  
Pla. 100.

14 *Hen. 4.* f. 9.

37 *Hen. 6.* f. 27.

8 *Hen. 6.* f. 19.

concurring.

*Fortescue* in his

Book *de Laudib.*

*Legum Angliæ,*

fol. 25. cap. 9.

He was made

Lord Chief Jus-

tice of the

Kings Bench,

*An. 19. Hen. 6.*

and made

Chancellour

of *England* as

is said in the

Book.



Subjects with Tallage and other burthens without their consent ; And such is the Dominion which the Civil Law purports, when they say, that the Will of a Prince hath the force of a Law : But from this much differeth the Power of a King, whose Government over his people is Politick ; For he can neither change Laws without the consent of his Subjects, nor yet charge them with strange impositions against their wills. Rejoyce therefore, O Sovereign Prince, and be glad that the Laws of your Realm, wherein you shall succeed, are such ; For it shall exhibit to you and your People no small security, and comfort.

And the same Author, fol. 84. cap. 36. saith thus ; That the King by his Officers ( though the Owners would say nay ) may take necessities for his house at a reasonable price to be assessed by the Constable ; Nevertheless he is bound by the Law to pay therefore, either presently, or at a day to be limited by the higher Officers of the house : For by the Laws he may take away none of his Subjects goods, without due satisfaction for the same ; neither doth the King there either by himself, or his Servants and Officers, levy upon his Subjects Tallages, Subsidies, or any other burthens, or alter their Laws, or make new Laws, without the expresse consent and agreement of his whole Realm in his Parliament.

The same Author, cap. 36. fol. 84.

And thus I have done with the Positive part of my Argument, and will endeavour to be shorter in the rest.

## The Second Part.

NOW in the second place I will give an Answer to all such Objections that have been made by the Council of the King at the Bar ; and by some of my Brothers in their Arguments against these Statutes.

First, it hath been Objected, that the Statute *de Tallagio non concedendo* was not a Statute. And this was insisted upon by Mr. Solicitor, and not without many probabilities of the Kings not then being in *England*, and many other things by him alleaged ; Yet because it hath been agreed by all that have argued since, that it was and is an Act of Parliament, and is so recited in the Petition of Right, I will say no more to that ; But thereby, and by his insisting so much upon that to be no Statute, I do conceive that he understood that Statute to be, ( as indeed it is ) a forcible Statute against this imposition of a charge by Writ, without the consent of the Parliament.

Object. 1.

Resp. 1.

The second Objection was ; That the words, Aids, Tax, and Tallages, do not extend to this provision of Ships of War, and men for defence, and that there is no exception of the aids which are due to the Kings Majesty, for making his Eldest Son Knight, nor aids for Marriage, nor other aids by Tenures.

Object. 2.

The Answer is easie : For the words of the Statute of the fourteenth year of King *Edward* the Third, are, That they shall not from henceforth be charged or grieved, to make any aid, or to sustain any charge.

Resp. 2.

These are words so general, that all is comprehended which charges all ; And for the aids of making the Eldest Son Knight, and the other aids,

aids, they are not general to charge all, but particular, such as are charged by Tenure, and need no Exception,

And yet in the Statute of 25 *Edward III. cap. 8.* there is an exception (of other than those which hold by such Tenure) which Exception was needless, because no charge of any in particular is within any of the Acts of Parliament; but such as are general, and extend to charge all the Subjects of the Realm, as this doth.

*Object. 3.*

There hath been another Objection made against the Statute of 14 *Ed. III.* that it should be but temporary, for the time of the continuance of those Wars; And my Brother *Berkley* did except to this Statute, because it is not mentioned in the Petition of Right.

*Resp. 3.*

To this there needs no other Answer, than the Statute it self, first the Preamble, and then the body of the Act, (*viz.*) That from henceforth they shall not be compelled to make any aid, or sustain any charge but by the common consent of the Prelates, Earls, Barons, Great men, and Commons of our Realm of *England*, and that in Parliament; This is an absolute Statute.

It is true, that the latter Clause whereby the King was pleased, that the profits to be made of his Wards, Marriages, Escheats, and other profits should be disposed of for the maintenance of the Realm of *England* and of his Wars in *Scotland*, *France*, and *Gascoyn*, and elsewhere, during the said Wars, This was a matter of the Kings Bounty and Grace, and was to continue no longer; And to say, that because it was not particularly mentioned amongst other in the Petition of Right, therefore it should be of no force, doth not stand with any reason to impeach the Statute, nor many others that are not there enumerated.

*Object. 4.*

The last and greatest Objection that hath been made, first by my Brother *Crawley*, and after by others, and insisted upon by my Brother *Jones*, is, That this is a Prerogative, or Power Royal, so incident to the Kings Majesty, that it cannot be taken away by any Act of Parliament; And it was said, it is *proprium quarto modo*: And in proof thereof it was affirmed, that when there was in the beginning of King *James* his Reign a purpose to have taken away all Tenures by an Act of Parliament, and to have shut up the Court of Wards; It was resolved by the Judges, that such a Statute had been void.

*Resp. 4.*

First, I do agree, that there are many things so incident in power to a King, as are not in the power of any Parliament to take away, as appears by the Case of 1 *Hen. VII.* of the disposing of the right of the Kingdom, power of making War and Leagues, the power of the Coin, and the value of Coines, and many other Monarchical Powers and Prerogatives which to be taken away, were against natural reason, and are incidents so inseparable, that they cannot be taken away by Parliament.

And yet I will shew you, and prove, that Acts of Parliament have bounded, limited, and qualified the Kings ancient and inherent Prerogatives of like nature, and of as great importance as this is.

It is said of *Ploydon*, in the case of Mines, *fol. 332.* That every Prerogative that the King hath, contains in it self a matter of Prescription, and as it is there said, That before the Statute of 2 *Edw. III. cap. 12.* if one held his Land by Knights Service of the King *in Capite*, and had aliened that Land in fee, without the Kings Licence, the Land was forfeited to the King; And the King should have had the Land to him and his Successors for ever; The King willeth and granteth, that the King shall not hold them as forfeit: But shall take a reasonable Fine, to be assessed in the Chancery by due Process.

*Ploy. fol. 332.*  
The Case of  
Mines.

And



And in the same Book, fol. 322. The Kings Majesty might by Prerogative have taken Woods in any mans Wood, for the repair of his Castles: But by the Statute of *Magna Charta*, cap. 21. he is excluded of that, the words are [ Neither We, nor our Bayliff, nor any other for us ] shall take Wood of any other mans, to repair our Castles, nor to do any other thing with them, but by good will of him whose Wood it is.

Fol. 322.

And by the Statute of 25 *Edward III.* cap. 1. It is enacted that from thenceforth, neither he, nor any of his Heirs, shall take title to present to any Benifice of the right of another, of any time of his Predecessors.

25 *Edw.* 3.  
cap. 1.  
11 *Hen.* 4.  
fol. 7, 8.

And the King brought a *Quare Impedit*, and made title to an avoidance in the time of King *Edward* the First, Son of King *Henry* the Third; And the Defendant pleaded this Statute, and upon debate and Argument, although it was alleaged, that this Statute had not been put in use, It was adjudged, that being a Statute in force, it might be put in use: And so it was judged against the King.

And this is a strong proof, that in one of the most ancient Prerogatives incident to the King of *Nullum tempus occurrat Regi*, which is grounded upon many Reasons, yet by an Act of Parliament this Prerogative was taken away.

See the Statute of 7 *Hen. VIII.* cap. 3. The Informer is limited to begin his Suit within a year, and the King within two years, and not after, hereby the Kings Prerogative of *Nullum tempus* is taken away, and limited to two years.

The Statute  
7 *Hen.* 8.  
cap. 3.

The Statute of 21 *Jac.* cap. 2. whereby our late King *James*, of famous memory, was content to exclude himself to make any title to Lands, whereof he hath not been in possession, or which have not lawfully been put in charge within sixty years: But enacted, that such persons as do hold those Lands, shall hold them still without trouble: And that Patent of concealment, or defective title, shall not be a putting in charge, or standing in *super* within that Statute.

21 *Jac.* cap. 2

I might be infinite in this, but I will conclude with the Statute of 21 *Jac.* cap. 14. That where the Kings Majesty by his Royal Prerogative, may inforce the Subject in informations of intrusions, to plead especially, and to shew his title, or to lose the possession, The Kings Majesty out of his gracious disposition towards his loving Subjects, and at their humble suit ( being willing to remit a part of his Ancient Regal Power ) is well pleased that it be enacted, and be it enacted, That where the Kings Majesty hath been, or shall be out of possession, for the space of twenty years, or shall not have taken the profits of any Lands, or Tenements, within the space of twenty years; That in such case the Defendant may plead the general Issue, if they think fit, and shall not be pressed to plead specially; and shall retain the possession, till the title be tried and found for the King. And that no *Scire facias* shall be brought to put the party to a special pleading, where an information may be fitly brought.

21 *Jac.*  
cap. 14.

By these, and many other of the like nature, it must be agreed, that ancient, Regal, and inseparable Prerogatives, and Powers, may be, and have been qualified, bounded, and limited for the ease and benefit of the Subjects.

And give me leave to say this of Parliaments, that they have been esteemed by the wisdom of former times, to be so necessary, as there were Acts of Parliament heretofore made in the time of King *Edmund* the Third; which

25 *Edward* 3.  
cap. 10.

which you may see *Anno 36 Edw.3.cap.10.* That for the maintainance of Articles and Statutes, and for the redress of divers mischiefs and grievances which daily happen, it was Enacted that a Parliament should be holden every Year.

Bracton. fol.1.

Another reason is, that they have been esteemed necessary for determining of difficult matters: And therefore *Bracton*, who wrote in the time of King *Henry the third*, fol.1. *Leges Anglicanae & consuetudines approbata consensu utentium, & sacramento Regis confirmata; mutari non potuerunt nec desinui sine consensu & consilio eorum, quorum consensu & consilio fuerunt promulgatae: sin autem aliqua nova & inconstuta emergerint, quae prius usitata cum fuerunt in Regno, & obscurum sit eorum iudicium, tunc ponentur iudicia in respectu usque ad magnam Curiam, ubi per consensum Curiae terminentur.*

The Statute of  
*Winchester*  
13 *Edw.1.* lib.  
2. *Edw.3.* fol.7.

See to this purpose an excellent Case in 2 *Edw.3. fol. 7.* upon the Statute of *Winchester*, where a Robbery was done, and a Recovery against the Hundred next adjoining, and a Levy made of the Bishop of *Coventries* Tenements, of the Hundred in *Staffordshire*. The Bishop came into Court and pleaded a Charter of Exemption made by King *Richard the First*: And for the difficulty upon the Charters, and upon the Exposition of the words of the Statute, there came a Writ to remove the Record into the Parliament, *Quindecim Pasch.* and the Sheriff was appointed to attend there with the money levied.

Vid. 1e Regist.  
fol.274.

See the Register, where it appears that certain Messengers had from the Pope served Process upon an Officer of the Court of Chancery, then held at *York*, to command him by those Bulls to appear at *Rome*: And for this Contempt, the Party who served the said Process, was committed to the Castle of *York*: And at length the Kings Majesty by the intreaty of divers of the Great Men of the Realm, was content, upon taking Bond, that he should answer the said Contempt, *ad proximum Parliamentum, ubicunque illud summoniri contigerit*, to deliver him out of Prison.

The Statute of  
*Winchester* 2.  
cap.28.

Then the Statute of *Winchester* 2. the 28. chap. of *Concordent Clerici in Cancell. de novo Brevi, vel attendent in proximum Parliamentum.*

The further necessity and estimation which have been taken to be of Parliaments, is the number and frequency of them. For you may see by the Commentaries upon *Littleton*, fol.100. that before the Conquest, and in the Conquerors time, and after, till the end of King *Henry the Third's* time, there were Two hundred Eighty Sessions of Parliament; and since almost Two hundred.

Doctor and  
Student, fol.  
12.

Another Reason, as I conceive, to be collected out of the Oath, which the Kings of this Realm take at their Coronation, which is printed in *Magna Charta*, whereby the King agrees to give consent to such Laws, as shall be propounded for the profit and good of the Kingdom.

And that, I conceive, is the cause, that when Bills come up, being agreed by both the Houses, the Kings Majesty, to those he doth not allow, or not like of, doth make no direct denial, but *Le Roy de avisera*. For nothing can be done without the Kings consent, who hath sole power to Call, to Prorogue, and to Dissolve Parliaments at his pleasure. And I know not whether the last meeting in Parliament, either by ill choice of the Members of that House, or by the great increase of the number, or by the ambitious humours of some Members of that House, who aimed more at their own Ends and Designs, than the general Good of the Commonwealth; things were so carried, not as was used in ancient time, but



to difastrously, that it hath wrought such a distaste of this Course of Parliaments, as we, and all that truly love the Commonwealth, have just cause to be sorry for it.

### The Third Part.

**N**OW I come to my third Head, that is, to give Answer to such Precedents as have been shewed and insisted upon, to prove that the Kings of this Realm have made such Impositions, even in the matter of Shipping.

And herein first they have insisted upon a Tribute, or Imposition, called *Dane-gelt*, which was begun in *Etheldreds* time, which, as it was said, was double, *ad placandos Danos, vel ad coercendum Danos*, which was very grievance and of long continuance: For as it was said by my Brother *Crook*, it was first Ten Thousand pounds yearly, then increased to Sixteen Thousand, then to Twenty four Thousand, then to Thirty six Thousand yearly. And from Twelve pence for every hide of Land, to Twelve Shillings for every hide of Land.

This Tribute continued after the *Danes*, for in the time of the *Normans* it became to be called a Tallage, or Tax, King *Henry* the First granted to the Citizens of *London* to be quit and free from *Dane-gelt*. And the same King about the 30. year of his Reign, in redemption of his Sin did grant that *Danicum Tributum* should be totally released for seven years, as it appears in Sir *Henry Spelmans* Book intituled *Glossarium*, fol. 200.

To this I give this Answer, That by the Statute of 34 *Edw. I. De Tallagio non concedendo* but by Parliament, this was taken away: And thereupon ensued a strong Argument, that if such a thing as the *Dane-gelt*, which had so long continued, were not taken away by these Acts of Parliament, it might have been put in use: For no man will maintain that this Tribute of *Dane-gelt* can now be imposed at this day by the Kings Writ under the Great Seal, which it might be, if these Statutes had not taken it away.

And for this purpose, in the Statutes made 34 *Edw. I. cap. 8.* the King grants to Clerks and Laymen, that they shall have their Laws, Liberties, and Free Custome, as they have used the same at any time when they had them best: And if any Statutes have been made, or any Customs brought in by Us, or Our Ancestors to the contrary, that they shall be void and frustrate for evermore.

And concerning the generality of Precedents, which have been made use of on the one side, and on the other, out of *Membrana's* Patents and Commissions, and Answers to Petitions in the Rolls of Parliament (to Petitions.) I am very sorry that such obsolete and ancient things have been mentioned; many of which in my judgment, had been better to have slept in silence, than to have been spoken of in these times.

But herein is a strong command, and as great necessity; And yet there was a Clause in these Commissions, viz. *Et vestrum quod ad illud posueritis, cum illud sciverimus in exitibus ballivat allocari faciemus.*

And in 2 *Hen. 4.* Parliament recites, That where divers Commissions were made to divers Cities, Boroughs, and Towns, to command the making of certain Barges and Billingers, without the assent of Parliament, and

The first Precedent.

Spelm. fol.  
200.  
Resp. I.

34 *Edw. I. c. 8.*

2 *H. 4. num. 22.*

in another manner than had been done before : The Commons did pray the King that the said Commissions might be repealed, and that they should be of no force, or effect. And the King answered, that the said Commissions should be repealed for ever.

But for the great necessity of such Vessels for the defence of the Realm, in case that the Wars do come, the King will commune of this matter with the Lords, and after he will shew it to the Commons to have their consent.

And so I leave these Precedents, which together with some other Objections, have been fully answered by my Brother *Croke*, and proceed to my farther point.

### *The Fourth Part.*

**T**Hat is, That since the time of *R.2.* and *H.4.* there hath been no such thing attempted, and that this disuse is a sufficient matter to prove the unlawfulness. For since that time, though there have been in the Reigns of many Kings, occasion of employments both of Ships for the defence of the Sea, and service of the Land, yet the course and order of defence hath been by several other ways : as by Commissions to provide Men to serve for Wages, and by Indentures of Covenants, which were very frequent to be made between the Captain and the King, that he should Covenant to serve with so many Men, for such particular times, and for such Wages, as were comprised therein, and the Precedents of Modern Times, have been this way all for Wages.

This is proved by an Indenture made in 15 *Ed.4.* and Sir *W. Pirton* Kt. reciting that the King had disposed of an Army of 4000 men for the Narrow Seas, and the keeping of them ; and that he should have constantly 460 men under him, for four Moneths, the Kings Majesty was to find the Ships furnished with Guns, Powder, Artillery, and Victual, and that the said *W. Pirton* should take Wages for every of his Company, *viz.* two shillings a Week, and the times appointed for the payment thereof.

And 28 *H.8.* it appears by a Letter under the Privy Signet then, when by command Men were raised in the County of *Lancaster*, and by command coming towards the County of *Lincoln* to aid the suppression of Rebels, the Rebels having submitted before they came, they were commanded to return, and for their charges in their entertainment, and conveying of them, a reasonable Bill should be made, and sent to the King by a trusty Messenger, and he would cause a convenient recompense to be delivered accordingly.

And for that which hath been insisted upon, that there hath been Commissions of Array, and provision for Arms, and for preparing Armor from time to time, it is not to be denied, that first by several Statutes, as that of *Winchester*, and divers since, the Armor and Weapons, wherewith the Subjects of this Realm have been charged, are several, and changed according to the variety of times, as things have grown out of use, and other manner of provision more serviceable and necessary, for which there have been directions for Views, and for Training and Disciplining of Souldiers to be prepared for defence. That this hath been in use no man can, or ever could deny, or affirm the contrary. And in all the Prerogatives which have been before by Mr. Attorney General urged that the King hath interest in mens Goods, and to execute his Writs by his Sheriffs upon mens persons, and



in their Lands, for giving Possession, and for levying Amerciaments and Fines, and power to put some of his Subjects out of their Possessions, and to deliver the Possession thereof to others; as it appears in *Ploydon* in *Mancell's Case*, which was vouched by Mr. Attorney General.

This is very true, for this is a thing which the King is bound to do for the good of his Subjects.

For as it is agreed in 34 *H.6.fol.14.* The Kings Majesty is bound to keep his Courts of Chancery, and all his other Courts, at his own charge. And 39 *H.6.fol.40.* The King is bound to do Law and Right to all his Subjects, which without these Powers and Prerogatives would not be performed.

Out of these and the like of Murage and Pontage, there can no sound Argument be drawn to warrant the provision of Ships, and Men, and Furniture for War, when the King will so appoint.

But, I conceive, that it hath been generally agreed by all the Judges (*nullo contradicente*) that if this Writ of *Aug.4.* which is provision of a Ship and Furniture, and Men, had been to have authorized the Sheriffs to have levied monies of the Subjects for that purpose, that then the Writ could not have given power to have done it, because that would have been expressly against the Statutes; And if that be granted, then considering that these Writs to the Sheriffs, are accompanied with Instructions commanding and directing the Levying of Money, and proportioning what Sum is to be raised in every County for that Service: As in the County of *York*, and in the County of the City of *York*, the sum of 12000 *l.* and the sum of 8000 *l.* for the County of *Lincoln*: and so a proportion of money for every County for that purpose. The consequence may be this, That this Levy which hath obtained the name of Ship-money, and wherein no endeavour hath ever been made for preparing any such Ship, or Furniture, or Men, as the Writ in it self purports, is not pursued, or warranted by this General Levy of Shipmoney. For it is a Rule, *Id quod non potest fieri directe, ex obliquo fieri non debet.*

I confess that divers of the Kings of this Realm, have upon some pretended occasions, taken upon them by persuasion of some Great Men in their time, and assumed a Royal and Monarchical Power, to levy Monies by Commissions, and have extended that Power very far; whereof you may read, that in the 17. year of K. H. 8. C. *Woolsey* was charged to have been the cause of directing Commissions into all Countries for the levying of the 6. part of all mens Goods, and the 6. part of their Plate, for that the King was then determined to make War with *France*, and to pass the Sea himself. This being attempted by enforcing some, and sending others to Prison, it grew to be so generally disliked, that the People rose up in divers Countries, and then the K. disclaimed that it was done without his privity. The Card. charged it to be done first by the consent of the Council; which they denied. Then he charges the Judges to be consenting, which being untrue, the Card. took it to himself; and all the Commissions were recalled: you may see it at large set down in divers Chronicles. And in the latter time of our gracious Q. *El.* upon pretence of want for Expeditions in *Ireland*, there was a general Benevolence required, and it went on for a time, and so far as it came to be voluntarily levied in the Inns of Court. And I can speak it of my own knowledge, I paid a sum, I think but 20 *s.* and others paid likewise. But not long after (as it was said) when the Q. was informed that this Benevolence was expressly against the Statute of R. 3. and against the Laws, and distastful; all the monies levied was commanded to be restored, and repaid, and mine was, and the rest was so to others, as I heard, and do verily believe: and this was attempted by so gracious a Queen.

17 H.8. Anno Dom. 1225.

The Attempt to have Benevolence for Q. *Eliz.*

And to speak nothing of the Commission dated the thirteenth day of *October*, in the second Year of our gracious Sovereign Lord the Kings Majesty, for the loan and levying of the five Subsidies which was effected, and acknowledged after not to be warranted by the Laws and Statutes: This point is apparent, that in time of necessities, these illegal or Monarchical powers have been assumed in the time of other Kings.

And hereupon I conclude these points, That the Statutes have taken away this power of charging the Subjects of this Realm with any general and publick Charge, Aid, or Tallages, or burthens for any businels, but only by their consent in Parliament, and no Usage Precedent, or Custom, if any such have been, can by Law take away the force of these Acts of Parliament, so long as they stand in force.

And I do absolutely believe, that if the Kings Majesty had not been persuaded by some opinions, that this course was warranted by Law and Custom of the Realm, that he would not have attempted the same.

### *The Fifth Part.*

**N**OW I proceed to the fifth Part; That the Matter which is contained in the Writ of *August 4. Anno 11. Car.* doth not contain sufficient matter to warrant this Levy.

First, The words of the Writ are not any affirmance directly of any danger, for they are but *Quia datum est nobis intelligi*: this is but of Information, and not *ex certa scientia*, which are of more force. The other words are but of Information or Suggestion.

Then for the matter, it contains onely these points, That there are many Pirats and Sea-Robbers congregated upon the Sea, to take away some of our Subjects into miserable captivity, and to hinder our Merchants to bring in their Merchandizes and Goods, and the Goods and Merchandizes of the Subjects of our Friends coming and traffiquing hither, and spoiling of our Merchants: And for that the Sea hath been, and ought to be defended by *Gentem Anglicanam*, and they intending to trouble the Kingdom.

And we considering the danger every where now imminent, and desiring the defence of the Realm, the safe-guard of the Sea, the security of our Subjects, the safe conducting of the Ships of our Merchants, and of their Merchandizes, to come into our Realm, and to go forth of the Realm, and willing to provide for their aid, do therefore direct this Writ.

Here is no matter of any publick danger to all the Subjects, no intended coming upon the Land, but to rob and spoil as Pirates by Sea, and Conspirators to molest Merchants, to hinder Traffique, to take some Prisoners, as have been done heretofore, sometimes by the *Dunkirkers*, and many times by the Pirats to *Argiers*.

All this is but such a defence as doth require but the ordinary defence, to the which the Kings Majesty is solely bound for to see performed, for the ordinary benefits that he hath of Customs, and Subsidies of Wines, and other profits, besides the Tonnage and Poundage; and the Ships which are provided by the Cinque Ports, for which they have many Priviledges.

This matter contained in the Writ, by all the particulars doth not comprize any general assault or attempt to be made for taking of any Towns, as hath been before time.

Another



Another reason to prove that the Writ both not contain sufficient matter to induce a general charge ( is to be collected. ) That this being perceived, it is contained more amply, and laboured to be aided and supplied by the words put into the *Mittimus*, which are of more efficacy ; For therein is contained, which is not in the Writ of 4. *Augusti*: *Quod pro Defensione Regni, & tuitione Maris* ; And for that, *Salus Regni nostri Angliæ & populi nostri periclitabitur* : And the recital of [ *Datum est nobis intelligi* ] is omitted, but hereby affirmed positively.

And where my Brother *Berkley* insisted ; that the matter contained in the *Mittimus* was sufficient to supply the Writ of 4. *Augusti*, if it were not so fully expressed as it should have been.

Thereunto I make this Answer, *Quod in initio non valet, tractatu temporis non convalescet* : Besides the date of the Writ of *Mittimus* of the fifth of May, *Anno 13 Car. Regis*, which is almost two years after the Writ of 4. *Augusti* did issue ; And this is a very late supply ; And therefore that case was vouched by my Brother *Berkley*, which was *Dowmans Case*, *Anno 25. & 26. Eliz.* and reported by my Lord *Coke* in his Ninth Book, wherein it is adjudged that when a Fine or Recovery is suffered, and no uses declared, That an Indenture subsequent declaring that the Fine or Recovery was to such uses, shall be sufficient in Law to lead to the Uses of those proceeding Assurances ; Which I agree to be good Law. But that doth not resemble this Case, for this must be good in the foundation, or no subsequent declaration can make that good which at the first was not. And that I prove by two Cases directly adjudged.

25 & 26 Eliz.  
Coke l. 6. f. 1. in  
*Dowmans Case*

The first is *Vernons Case*, *Anno 14 Eliz.* adjudged and reported by my Lord *Coke* in his Fourth Book upon the Statute of Joynture, A man intending to make a Joynture to his Wife to bar her of her Dower, maketh a Feoffment of his Land to the use of himself for life, and then to the use of a Friend for his life, and then to the use of his Wife for a Joynture ; Although by success of time it hapneth that the Friend die in the life of the Feoffor, and so the Wives Estate becomes immediate to begin upon her Husbands death, and might have been a good Joynture, if it had be so made at first, yet this Case is adjudged to be no Joynture, for it was not good in the Foundation, and that which was defective in the Original, is not good by any accident subsequent.

Coke. 4. Ver-  
non. Case.

And in the Lord *Cheneyes Case* reported by my Lord *Coke* in his Fifth Book, fol. 62. in the four and thirtieth year of Queen *Elizabeth*, It is resolved upon the Statute of Wills, that the Estate contained in a Will in writing, which is the foundation and ground, must be such as is expressed in the written Original Will, and that no averment or subsequent proof of intention or explanation can add or supply any thing to that Original.

Coke l. 5. f. 68.  
Le Seigneur  
*Cheneyes Case*.

And as in these Cases the original foundation cannot be supplied by subsequent addition ; So the Writ of 4 *Augusti* being the Original, cannot be supplied by subsequent explanation.

Another Exception is, that by the Writ, all the Kings Majesties Subjects are to be rated and taxed to contribution, other than such as have part in the Ship, or else do serve therein. And hereby the Sheriff of every County must either not be taxed, or not contribute, for it is inconvenient, nor can be done, that every Sheriff should tax himself.

Except. 2.

8 Hen. 6. 19.  
18 Hen. 3.  
9 Eliz.

Next for the Writ of *Certiorare*, that is very unusual to be directed to two several Sheriffs, being then no Sheriffs, to certify what Taxations they had made upon that Writ ; They were then no Officers : But it should either

either have come by Inquisition, or by the return of the then present Sheriff, to have ratified what his Predecessors had done in their times, and not this way which was never before heard of.

And then touching the *Scire facias* it self, I am of opinion that it doth not lie, for many causes:

Reason I.

First, The Sum so assessed doth not appertain to the King; And for the Kings Majesty to have a *Scire facias*, for to inforce him to do or pay that which belongs to another is not usual.

Secondly, It is not shewed that any Ship, or provision of Men, or Munition, was prepared or provided, which is a contempt in the Sheriff.

Thirdly, The direction by the Writ is to distrain, or to commit to Prison such as shall refuse; and no other course appointed by the said Writ, for the levying thereof.

Fourthly, The *Scire facias* ought to be awarded out of a Presentment, or Inquisition, whereby the matter may be found, whereby the King is entituled, or upon some Presentments which concern the Common-wealth, as Presentments that a common Bridge is in decay, and that either a particular man is bound to repair it, or that it is in default of the County, or of the Inhabitants of such a Hundred; And the like for repair of High-ways: There I agree as was said by my Brother Trevor, a *Scire Facias* is usually awarded out of the Exchequer; But I conceive these prove, that without a Presentment or Inquisition that no *Scire facias* doth properly lie, or ought to be awarded.

And therefore I will conclude this with the Case of 2 Edw. III. fol. 2. The King by his Writ directed to the Sheriff of Lancaster, reciting, That where Sir John Langton had delivered divers Sums of money to one Robert his Companion, to come to the King in aid of his Wars in Scotland, and the said Robert did not come, but did spoil and did take the Goods and Chattels of divers of our Subjects in the said County, and did rob, and spoil, and waste the Goods of our Subjects to the value of two thousand pounds *ut accepimus le Roy*, command to the Sheriff, *De attach* the body of the said Robert, and he was attached, and did not appear: And by his Counsel alleaged, that upon this Suggestion, the King being not otherwise apprised by indictment or otherwise, this suit did not lie for the King, and the parties grieved may have their Suits.

And thereupon the Court was advised, and took time to speak with the Chancellour, to see if he had any matter, out of which the said Writ was awarded: And afterwards, because this Writ was grounded upon a suggestion against the Common Law, therefore the said Robert was discharged, which is a stranger Case than ours. And for these Reasons I conclude this Part, that no *Scire facias* ought to be awarded in this Case.

### The Sixth Part.

NOW it remains to give Answer to that which hath been before objected, and spoken of only by Master Solicitor, that the Judges had before given their opinions to warrant the legality of this charge, and subscribed their names.

First,



First, I do affirm, and it doth appear by my Argument, that this Case now in question doth not concern nor contradict the matter of the Subscription ; for the matter whereunto the Subscription was made, is, That when the good and safety of the Kingdom in general is concerned, and the whole Kingdom is in danger, that then for the defence of the Kingdom from such danger, the King may by Writ impose the provision of Ships with furniture and men.

But if only there be Pirats and Robbers of the Sea, assembled together at Sea to rob, spoil, and take the Goods and Merchandizes that are to be brought into the Kingdom, and safe conducting of the Merchants from spoil, as no other particular thing is alleaged in the Writ of 4. *Augusti*; I think it will be granted that this doth not by our opinions inable the King to make such a general charge upon that occasion.

But if there were an intended Invasion, and that known to the Kings Majesty, whom it concerns most, and upon such an intention, in such a case of necessity, which is and may be termed a time of such danger, as it may be fit to prepare for defence of the Realm, then I am of opinion, that in such a case, all that hath been said, that *Necessitas est Lex temporis*, and *Salus Reipublicæ est summa Lex*, and then *Silent inter arma leges*, might be just causes for that time only to make a preparation of Ships. And in this case here doth not appear that there was not any one Ship provided or prepared by the Sheriff.

The King is the sole Owner and Lord of the Sea, and hath power thereof: And as it was agreed in a notable Case that was adjudged in the Exchequer *Mich.* the fourth year of King *James* against one *Bates*, wherein I was then of Council, the King may lay an Imposition upon Foreign Commodities to be brought into this Realm, for there was five shillings laid upon every hundred weight of Currants, over and besides the two shillings six pence for Poundage: And *Bates* having notice of this Imposition, brought in a Ship fraughted with Currants, and paid the two shillings six pence for Poundage, but refused to pay the five shillings for every hundred weight: And upon information, the Case was argued at the Bar, and at the Bench; and it was adjudged, that the Imposition was lawful, and that the King in his Prerogative had *totum dominium maris*, and that all the Ports were the Kings, and that the King had sole power to restrain or forbid the going beyond the Sea; the sole appointment into what Countries the Merchants should or might trade, and to appoint into what Countries they should not trade. And for these respects, the King was to maintain the Ports, to provide for the safety of the Merchants, and to clear and scowre the Narrow Seas from Pirats and Robbers, for the doing whereof was added the Tonnage and Poundage by grant in Parliament.

Lastly, These sudden Opinions, when Judges hear no Arguments, are of no such force as to bind them to continue the same opinion: But that when they shall have heard Arguments, and be better informed, they may alter and change, which hath usually hapned. Besides, as it is very well known, we were not all of opinion, but the greater number then concurring, the Subscription was for conformity, as sometimes is used in such cases.

Lastly, It hath been objected, that the Defendant by his general Demurrer hath confessed all the matters to be true, which are surmised in the *Scire facias*.

*Mich. 4. Jac.*  
*Bates* his Case.

Object. upon  
the Defend.  
generall Demurrer.

Resp. 1.

*Coke* 1.4.43.  
in *Hudsons*  
Case.  
F.1.71. *Hinds*  
Case.  
33 & 34 *Eliz.*

To this it is answered, That a Demurrer confesseth the matters of fact, which are sufficiently alleaged; but such matters of fact as are not sufficiently alleaged, those are not confessed, but left to the judgment of the Court.

See these Cases so adjudged and resolved in these Books, *Coke Lib. 4. fol. 43.* in *Hudsons Case*, matter sufficiently alleaged *est confesse*: And according to this it is agreed in *Hinds Case*, in the same Book, *fol. 71.*

The very express Case, is that of *Birton* upon Usury, which was *An. 33 & 34 Eliz.* where it is adjudged that the Demurrer confesseth nothing that is sufficiently alleaged; as where a matter of Usury is alleaged, and is not so sufficiently alleaged, that it appears to be Usury, the Demurrer doth not confess that to be Usury, as is pretended.

So likewise in this Case, the Demurrer general doth not, nor can supply the defect of the matter which should have been comprized in the Writ of 4. *Augusti*. The Demurrer confesseth that there was such a Writ, but doth neither confess the lawfulness thereof, nor the defect of the insufficient alleaging of any matter which should have been contained therein.

And thus with as much brevity and perspicuity as want of memory, and other infirmities which attend upon my Age would suffer me, and without either Preamble or Protestation, I conclude with that which my Brother *Berkley* used in the beginning of his Speech, That the People of this Realm are Subjects, and not Slaves; Freemen, and not Villains; and therefore not to be taxed *De alto & basso*, and at will, but according to the Laws of this Kingdom.

And therefore I conclude, that neither for the matter, nor for the manner, this Writ of *Scire facias* brought in this Court of Exchequer, upon the tenour thereof, can be maintained. And therefore in my opinion I advise the Barons to give Judgment accordingly for the Defendant.

*This is the same which I did deliver in my Argument in the same manner that I did argue.*

*The*



*The Argument of Sir George Crooke, Knight, one of the Judges of the Kings Bench, upon the Case of the Scire facias out of the Exchequer, against John Hampden, Esq; Decimo quarto Aprilis, Anno Domini 1638.*

*The Case is this upon the Record.*

**T**He King, by Writ under his Great Seal, dated 4. Augusti, Anno 11. of his Reign, directed to the Sheriff of the County of Bucks, and to all the men of that County, commandeth them in these words :

The motives of the Writ, which are five

1. *Quia datum est nobis intelligi, Quod Prædones quidam Pirati, ac maris Grassatores, tam nominis Christianæ hostes Mahumetani, quàm alii congregati, Naves, ac bona, ac mercimonia non solum Subditorum nostrorum, verum etiam Subditorum amicorum nostrorum in mari, Quod per gentem Anglicanam ob olim defendi consuevit, nefarie diripientes & spoliantes ad libitum suum, deportavere hominesque in eisdem in captivitatem miserimam mancipantes.*

2. *Cumque ipsos conspiciamus navigium indies preparantes ad Mercatores nostros ulterius molestand', Et ad regnum gravand', nisi citius remedium apponatur, eorumque conatum virilius obvietur.*

3. *Consideratis etiam periculis quæ undique his guerrinis temporibus imminet; Ita quod nobis & Subditis nostris defensionem maris & regni omni festinatione quâ poterimus accelerare convenit.*

4. *Nos volentes defensione regni, tuitione maris, securitate Subditorum nostrorum, salva conductione navium & merchandizarum ad regnum nostrum Angliæ venientium, & de eodem regno ad partes externas transcuntium ( auxiliante Deo ) providere; Maximè cum nos & Progenitores nostri Reges Angliæ, Domini maris prædicti, semper hæcenus extiter', & plurimum nos læder', si honor iste Regius nostris temporibus depereat, aut in aliquo minuat.*

5. *Cumque onus istud defensionis quod omnes tangit, per omnes debeat supportari, prout per legem & consuetudinem regni Angliæ fieri convenit.*

*Vobis præfatis Vicecomitibus, Ballivis, Burgens. Majoribus, probis hominibus, & omnibus aliis quibuscunque supramentionat' in Burgis, Villis, Villatis, Hamlettis, & locis supradictis, eorumque membris in fide & ligeancia, quibus nobis tenemini, & sicut nos & honorem nostrum diligitis: Necnon sub forisfactur' omnio quæ nobis forisfacere poteritis firmiter injungemus.*

The charges in the Writ are three.

*Mandamus quod unam novem de guerra, portagii 450. delior cum hominibus, tam magistris peritis, quàm marinariis volentior & expertis centum & octoginta ad minus, Ac tormentis tam majoribus quàm minoribus, pulide tormentario, ac hujus, & telis, aliisque armatoriis necessariis pro guerra sufficient: Et cum duplici Equipamento, necnon victualibus usque ad primum diem Martii tunc proximè sequentem, ad tot homines competent; & ab inde in viginti & sex septiman' ad custagia vestra tam in victualibus, quàm homin' salariis, & aliis ad guerram necessariis per tempus illud super defensionem maris in obsequio*

The commands of this Writ, which are five.

The end for which this Ship is to be prepared.

The Clause of the assessment for the expenses.

The purpose of the Writ.

*nostro in Comit' custodis maris, cui custodiam maris ante prædict' primum diem Martii commitemus, & prout ipse ex parte nostra dictaverit moratur parari; Et ad portum de Portsmouth citra dictum primum diem Martii duci faciatis. Ita quod sint ibidem eodem die ad ultimum ad proficiscend' exinde cum navibus nostris, & navibus aliorum fidelium Subditorum nostrorum pro tuitione maris & defensione vestrum & vestrorum, repulsioneque, debellationeque quorumcunque Mercatorum nostrorum, & alios Subditos & fideles prædictos in Dominia nostra ex causa Mercatur' se divertentes, vel abinde ad propr' declinantes super mare gravare, seu molestare satagent': Assignavimus autem te præfatum Vic' Bucks ad assidend' omnes homines in villis de Agmundesham, Wendov', & Marloe magna, & in omnibus aliis Villis, Villatis, Burgis, Hamlettis, & aliis locis in Comit' Bucks, & terra tenentes in eisdem navem vel partem navis præd' non habentes, vel in eadem non deservientes, ad contribuend' expens. erga provisionem præmiss. necessar.*

*Et super prædictas Villas, Villatas, Burgos, Hamlettas, & locos cum membris eorundem, sic ut præfertur, assidend' & ponend' viz. Quemlibet eorum super statum suum, & facultates suas, & portiones super ipsos assessat' per destructiones, aliosve modos debitos levand' & Collectores in hac parte nominand' & constituend', Ac omnes eos quos rebelles & contrarios inveneris in præmissis, in carcere mancipand' in eodem moratur, quousque pro eorum deliberatione ulterius duxerimus ordinand'.*

*Et ulterius mandamus quod citra præmiss. diligenter intendatis, & faciatis, & exequamini cum affectu sub periculo incumbente: Nolumus autem, quod colore prædicti mandati nostri, plus de eisdem hominibus levari faciat, quam ad præmiss. sufficiat expens. necessar. Et quod quisquam qui pecuniam de contributionibus ad prædict' custag' faciend' levaverit, eam, vel partem inde aliquam penes se detineat, vel ad alios usus, quovis qualito colore appropriare præsumat, volentes quod si plus quam sufficiat collectum fuerit, hoc inter solventes pro rata portionis ipsis contingen' exsolvat'.*

By virtue of this Writ, Mr. Hampden is assessed to twenty shillings for his Land in Stoke Mandivil in that County, which not being paid, is certified (amongst others) into the Chancery upon a Writ of *Certiorari*, dated 9. Martii, Anno 12 Car. by a Schedule thereunto annexed: And by a Writ of *mittimus Teste*, 5. Maii, 13 Car. this Writ of *quarto Augusti*, Anno 11 Car. and the Writ of *Certiorari*, and the Schedule annexed is sent unto the Exchequer, with a command there to do for the levying of the sums so assessed and unpaid (*Prout de jure, & secundum legem regni nostri Angliæ fuerit faciend'.*) Whereupon a *Scire facias* issued out of the Exchequer, reciting the said Writs, to warn Mr. Hampden, amongst others, to shew cause why he should not be charged with this money. Upon this, he being summoned, appeareth, and demands the hearing of those Writs and Schedule, which being entered, thereupon he demurreth in Law.

And whether judgment upon this whole Record be to be given against John Hampden, that he is to be charged or no, that is the question: For he is the only party in this Case: And there is no Cause, why any man should say, that the question is, Whether Judgment should be given for the King, or for the Defendant; for, as this Case is, the King is no party to the Record, but only it is a judicial Process out of the Exchequer, grounded upon those former Records for the Defendant, to shew cause why he should not be charged, which hath been very elaborately argued by the Defendants Counsel (who demurred) that he should not be charged; and by the

Kings



Kings Counsel very learnedly and elaborately argued, that he should be charged.

This Case is a case of great weight, and the greatest Case of weight that ever we read argued by Judges in this place; and therefore adjourned into this place, for advice of all the Judges: For of the one side it is alleaged, that it concerneth the King in his Prerogative and Power Royal; And on the other side, that it concerneth all the Kings Subjects in their Liberties, their Persons, and their Estates: For which cause, it hath made some of us to with and move among our selves, that it might have been (by his Majesties favour) heard and determined in another place by his Majesty, and his great Council of his Realm: Where all conveniencies and inconveniencies might have been considered of, provided for, and prevented for present and future times, and not to be argued only by us, who are accompted his Majesties Counsel at Law; wherein if any thing be done amiss, the fault must light upon us, as mis-advising the King therein: But seeing that it hath pleased his Majesty, that the same should be argued and determined in this place, whose pleasure we must obey, I must give my best advice upon my Oath to the best of my skill; wherein, I hope not to trench upon his Highness Prerogative, which we are all bound by our Oaths, to the best of our skills, to maintain, and not to suffer to be diminished; nor upon his Royal Power: But truly to deliver what I conceive the Law to be, concerning the Case in Question.

Wherein I must confess, I have been much distracted, having heard so learned Arguments on both sides at the Bar; and so many Records and Presidents cited on either side: But they did not so much move me; for the Counsel have on either side pressed such Reasons and Arguments, and cited such Records, as they thought convenient for the maintaining of their opinions; and perhaps with a prejudicate opinion, as I my self, by mine own experience, when I was at the Bar, have argued confidently: And as I then thought the Law to be of that side for whom I argued; but after, being at the Bench, weighing indifferently all Reasons and Authorities, have been of a contrary opinion: And so the Law hath been adjudged contrary to that opinion, which I first confidently conceived; but that which hath moved me most, and maketh me most mistrust mine own judgment in this Case, is, That all my Brothers (who have all argued upon their Oaths, and, I presume, have seen the Records and Presidents cited on either side) have all argued one way, with whose opinions I should willingly have concurred, if I could have satisfied mine own judgment with their Reasons; but not being satisfied, I have learned, that I must not run with a multitude against mine own Conscience: For, I must stand or fall unto mine own Master; and therefore I shall shew mine own Reasons, and leave my self to the judgments of my Lords, and others my Brethren: And whatsoever shall be adjudged, I must submit unto, and so do with all others; and do now determine mine opinion to be, That, as this Case is, judgment ought to be given for the Defendant.

But before I proceed to the Argument, I desire to remove two difficulties, First, that by the Demurrer the danger of the Kingdom is confessed, and so to be a Case of necessity.

To this I answer, that the Demurrer confesseth not matters in fact, but where the matter is legally set down, but if it be not a legal proceeding, then the Demurrer is no confessing of the matter in fact.

This appears in the Book Case of 5 *Hen. VII. fol. 1. and Cook, lib. 5. fol. 69. in Burtons Case*, that a Demurrer is no confessing in matters of fact; but where the matter precedent is sufficiently pleaded and laid down, and so it is holden in all our Books.

The second difficulty is, that this Case is so resolved by all our opinions under our hands, That this Writ was legal, which was much pressed by Master Solicitor.

To this I answer, that it is true, I have set down mine opinion under mine hand unto a Case in *February 1626.* which is, that when the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, his Majesty may, by Writ under the Great Seal of *England*, command all his Subjects of this Kingdom at their charges to provide and furnish such number of Ships with Men, Victuall, and Munition; and for such time as his Majesty shall think fit for the defence and safeguard of the Kingdom from such danger: And that his Majesty may compel the doing thereof (in case of refusal and refractoriness) and that in such case his Majesty is the sole Judge of the danger, and when, and how the same is to be prevented and avoided.

To this opinion, I confess, I then with the rest of the Judges subscribed my hand: But I then dissented to that opinion, and then signified mine opinion to be, that such a charge could not be laid by any such Writ, but by Parliament; and so absolutely in that point one other did agree with me, and dissent from that opinion which was after subscribed; and some others in some other particulars from that which was subscribed: But the greater part seeming to be absolutely resolved upon that opinion, some of them affirming, that they had seen divers Records and Presidents of such Writs, satisfying them to be of that judgment, I was pressed to subscribe with them: For that the greater opinion must involve the rest, as it was said to be usual in Cases of references. And that the lesser number must submit to the opinion of the more, although they varied in opinion; as it is in our Courts, if three Judges agree in opinion against one or two, where there is five Judges, judgment is to be entered *per Curiam*, if the *major* part agree, and the others are to submit unto it.

So in Cases of conference and certificate of their opinions, if the greater part did agree and subscribe, the rest were to submit their opinions: And this (by more ancient Judges than my self) was affirmed to be the continual practice; and that it was not fit, especially in a Case of this nature, so much concerning the service of the King, for some to subscribe and some to forbear their subscription. And that although we did subscribe, yet it did not bind any, but that in point of judgment, if the Case came in question judicially before us, we should give our judgments as we should see cause, after the hearing of Arguments on both sides, and not to be bound by this sudden resolution.

Hereupon I consented to subscribe; but I then said, in the mean time the King might be mis-informed by our Certificate under our hands, conceiving



conceiving us all to agree together, and give him this advice under our hands, and not know that there was any that dissented, or was doubtful: But it was then said, the King should be truly informed thereof. And thereupon, we that did dissent, did subscribe our hands with such protestations as aforesaid, only for conformity, although contrary to the opinion I then conceived.

But this being before Arguments heard of either side, or any presidents seen, I hold that none is bound by that opinion: And if I had been of that opinion that was subscribed, yet now having heard all the Arguments of both sides, and the Reasons of the Kings Counsel to maintain this Writ, and why the Defendant is to be charged, and the Arguments of the Defendants Counsel against the Writ, and their Reasons why the Defendant should not be charged to pay the money assessed upon them: And having duly considered of the Records and Presidents cited and shewed unto me, especially those of the Kings side, I am now of an absolute opinion, that this Writ is illegal, and declare my opinion contrary to that which is subscribed by us all. And if I had been of the same opinion as was subscribed, yet upon better advisement, being absolutely settled in my judgment and conscience, in a contrary opinion, I think it no shame to declare, that I do retract that opinion: for, *Humanum est errare*, rather than to argue against mine own conscience: And therefore now having (as I conceived) removed these difficulties, I proceed to my Argument, and shall shew the Reasons of mine opinion, and leave the same, as I have said, to my Lords and Brethren.

My Reasons and Grounds that I shall insist upon, are these:

1. That the command, by this Writ of *Aug. 4. 11 Caroli*, to make Ships at the charge of the Inhabitants of the County (being the ground of this suit, and cause of this charge) is illegal, and contrary to the Common Law, not being by authority of Parliament.

2. That if at the Common Law it had been doubtful, yet now this Writ is illegal, being expressly contrary to divers Statutes prohibiting any general charge to be laid upon the Commons in general, without consent in Parliament.

3. That it is not to be maintained by any Prerogative, or Power Royal, nor allegation of necessity or danger.

4. That admitting it were legal to lay such a charge upon Maritime parts, yet to charge an Inland County, as the County of *Bucks* is, with making Ships, and furnishing them with Masters, Mariners and Souldiers at their charge which are far remote from the Seas, is illegal, and not warranted by any former President, &c.

5. I shall examine the Presidents and Records cited to warrant this Writ, which have been all the principal grounds of the Arguments to maintain the same. And I conceive, there is not one President or Record in any precedent time, that hath been produced and shewed unto me, that doth maintain any Writ to lay such a charge upon any County, Inland, or Maritime.

6. I will examine this particular Writ, and the several parts thereof, and do conceive that it is illegal, and not sufficient to ground this charge upon the Defendant.

1. The Motives of this Writ are not sufficient to cause a Writ to be sent.

2. The Command of the Writ, to prepare a Ship at the charge of the Inha-

Inhabitants, with Munition and Men, is against the Common Law and Statutes.

3. That to lay a charge of finding Viſuals, and Wages of Souldiers and Mariners, is illegal, and contrary to the Common Law, and divers Statutes in point.

4. The power of Aſſeſment given to the Sheriff alone, and to diſtrain for this, is illegal, and not warranted by any Preſident.

5. The power of imprifoning is illegal, and contrary to divers Statutes, and not warranted by the Preſidents.

6. That the Percloſe of the Writ, and the practice of it, is contrary to it ſelf, and *oppoſitum in objecto*.

7. If this Writ were legal, yet the manner of Aſſeſment by the Sheriff, as it is certified, is not warranted by the Writ: So conſequently this ſum cannot be demanded of the Defendant by virtue of this Writ.

8. That the *Certiorari* and *Scire facias*, iſſued not out legally; and ſo conſequently no judgment can be given againſt the Defendant thereupon.

For the firſt point, that this Writ of *Aug. 4. 11 Car.* is againſt the Common Law: my Reaſons are theſe:

1. Becauſe that this is the firſt Writ, ſince the Conqueſt, that went to any Inland County, to prepare a Ship with Men and Munition, for ought appeareth by any Record that hath been ſhewed; and where there was never any preſident before, by the Rule of Mr. *Littleton*, fol. 23. the Law is not conceived to bear any ſuch Writ. And Sir *Edward Coke* in his Commentary upon *Littleton*, fol. 81. ſaith, that where there is no example, it is a great intendment, that the Law will not bear it.

So I conceive here, there never having been a preſident before of any ſuch Writ to the Sheriff and Inhabitants of a County, to prepare a Ship with Men and Munition, upon any occaſion whatſoever, that it is againſt the Common Law to award ſuch Writs.

2. For that the Common Law of *England* ſettleth a Freedom in the Subjects, in reſpect of their perſons, and giveth them a true property in their Goods and Eſtates, ſo that without their conſent (that is, their actual conſent, or implicit, by a common Ordinance, which they conſented unto by a common aſſent in Parliament) it cannot be taken from them, nor their Eſtate charged. And for this purpoſe the Law diſtinguiſheth between Bondmen, whoſe Eſtates are at their Lords will and diſpoſition; and Free-men, whoſe property none may invade, charge, nor take away, but by their own free conſent. But here in this Caſe is a charge laid upon the Subjects, without their conſent; and therefore not warranted by Law; which is proved by theſe Authorities.

*Coke* in his Rep. l. 8. f. 92. in *Francis* Caſe, ſetteth down this Rule, *Quod noſtrum eſt, ſine facto ſeu defectu noſtro amitti, ſeu in alienum transferri non pot. ſt.*

Mr. *Lambert*, fol. 24. ſetting down the Laws of *England* which were confirmed by *William* the Conquerour, hath theſe words: *Inter alia, volumus & concedimus, quod omnes liberi homines Monarchiæ Regni ſui prædicti, habeant & teneant, terras ſuas bene & in pace liberas ab omni exactione injuſta, & ab omni Tallagio* (not mentioning there *injuſta*) *Ita quod nihil ab eis exigatur præter ſervitium juſtè debitum*: Hereby it appears, there is an abſolute freedom from all Tallage. 17 King *John* in *Matt. Paris*, fol. 246. The King doth grant and confirm unto his Barons and Commons *inter alia*, theſe Liberties following: *Nullum Scutagium vel auxilium ponamus in Regno noſtro, niſi per Commune Concilium Regni noſtri, niſi ad redimendum corpus noſtrum, filium noſtrum primogenitum miſi faciend'*



*ciend', vel ad primogenitam filiam nostram maritand'.* By this it appears, what was then conceived to be amongst others, their Liberties, and then confirmed, which was, that no aid should be put upon them but by Parliament; for the Parliament was then called *Commune Concilium*.

That the Law is so, appeareth by the Treatise written by *Fortescue*, who had been Chief Justice of *England*, and then Chancellor of *England* in King *Henry* the Sixth's time, when he wrote the Book entituled, *De laudibus Legum Angliæ*. For fol. 25. cap. 9. he saith thus, That the King of *England* cannot alter nor change the Laws of *England* at his pleasure.

For, *Principatu non Regali, sed politico ipse populo suo dominatur*: If his power were Royal onely, then he might change the Laws, *Tallagia quoque & cetera onera eis imponere, ipsis inconsultis*; but adds, that the King of *England*, *sine Subditorum assensu Leges mutare non potest, nec subiectum populum renitentem onerare impositionibus peregrinis*. And in chap. 13. fol. 31. he compares the King and Subjects of *England*, to the Head and Body natural, *Ut non potest caput corporis Physici nervos suos commutare, neque membris suis propriis vires, & propria sanguinis alimenta denegare: sic nec Rex, qui caput corporis politici est, mutare potest Leges corporis illius, nec ejusdem populi substantias proprias subtrahere reclamantibus eis, aut invitis*: Thus he in this place: But in fol. 84. cap. 36. he seems to say, *In hoc individuo Rex Angliæ nec per se, nec ministres tallagia, subsidia, aut quævis onera alia imponit Legibus suis, aut Leges eorum mutat, aut nova condit, sine concessione vel assensu totius Regni sui in Parlamento suo expresso*: which words seem so general, that in no case he may do it.

So it appeareth by the Book Case, 13 H.4. fol. 14. that the grant of the King which tendeth to the charge and prejudice of his People in general, is not good, unless by Parliament. But it is agreed there, that Grants of Tolls, of Fairs, of Pontage, of Pikage, Murage, Ferrying, or such like, which are for the profit, good, and ease of them that will take benefit thereof, and not compulsiory to any to pay, but to them that will take the benefit of such Fairs, &c. and being very small and reasonable sums, the Law doth give allowance unto them: but if they were great summs, that tend to the charge of the People, the Law will judge them void.

This appears in Sir *Edward Cokes Reports*, lib. 5 fol. 63. in the Case of the Chamberlain of *London*, That an Ordinance made by the Common Council of *London*, where they have a Custom by the said Common Council, to make reasonable Ordinances to bind all within the City concerning Clothes to be brought to *Blackwel-Hall*, there always to be viewed, and measured, and searched before they were sold, and a penny appointed for the Officer that did that service; That such a charge was reasonable, for that it was for the publick benefit of the City and Commonwealth: And a pecuniary penalty laid for not performance of that Ordinance was allowed. *Ibid.* fol. 64. in *Clarks Case*, is resolved, That an Ordinance made by the assent of the Plaintiff himself, and other Burghesses for the Town of *S. Albans*, of a small Tax upon the Inhabitants of the Town towards the erection of the Courts, and other necessities for the Term to be kept there; it was allowed to be good, and did bind the Plaintiff, being by the Plaintiffs own consent, and for the publick good of the Town.

Also *Coke*, l. 11. fol. 86. in *Darcies Case*, citeth this out of *Fitzherb. Natur. Brev.* f. 122. That every Grant of the King, hath this condition in it, tacite or expresse, *Quòd patria per donationes illas magis solito non oneretur, seu gravetur.* And

And as by Grant the King cannot charge his People, so neither can he by Writ lay any charge upon his People, but by their consent, or where they have apparent benefit thereby. And that is the reason of the Writ in the Register, fol. 127. *Fitzherb. Nat. Brev. fol. 113.* where, by breach of the Sea-wall, any innundation of the Country, the King, who is *Pater Patriæ*, and taketh care for the good and safety of his People, sendeth out his Commissioners to enquire by whose default any such breach happened, and to cause all that had Lands and Commons near adjoining, which may have benefit of inclosed Marshes, or loss by such Innundation, to be contributory to the making up of the Sea-walls; and this is done by a Jury: But this charge cannot be laid upon a County or Town in general, but particular men that have benefit or loss, or may have loss or benefit thereby: And this is done upon enquiry of a Jury before the Sheriff or Commissioners appointed,

So it is at this day upon the Commission of Sewers, as appeareth by *Coke, lib. 10. fol. 142.* in the Case of the Ile of Ely; That the Taxation by the Commissioners of Sewers must be upon every particular man that hath, or may have loss or benefit by such Innundations, and making up the Walls, and cannot be laid upon any remote parts, which are out of the level of such loss or benefit: And it must be certain and particular upon persons certain, by reason of Land or Profit, and cannot be laid in general; But in these Cases there is a particular loss or benefit, and in particular places, and but in petty charges; and then where the Law alloweth that which in reason is to be done, that may be done, without a special Statute; for, *De minimis non curat Lex*: but in this case there is a general charge through the Kingdom, which the Law doth not permit without common consent in Parliament.

Object.

But it hath been alledged, that this charge hath been imposed for the provision of the publick safety and defence of the Kingdom; And may not this be done, when every one hath advantage by it?

Solut.

To this I say, When imminent danger and cause of defence is, there must be defence made by every man (when the King shall command) with his person; and in such a case every man, as it is said in the president, is bound *per se & sua* to defend the Kingdom. And I think no man will be so unwise, but that he will *exponere se & sua* for the defence of the Kingdom, when there is danger; for otherwise he is in danger to lose *se & sua*. But to lay a charge in general upon a Kingdom, either for making or preparing of Ships or Money in lieu thereof, is not to be done but by Parliament, when the charge is to be born in general of all the Subjects.

To prove further, that no man may have his goods taken from him but by his consent, appeareth by a Record in *Mic. 14. E. 2 Rot. 60.* in the K. Bench in a Writ of Error brought upon a Judgment given in *Durham*; where, in an Action of Trespas by *W. Hyborne* against *W. Keylow*, for entering his house, and breaking his Chest, and taking away 7cl. in mony, the Defendant pleading Not guilty, the Jury found a special Verdict, That the Scots having entered the Bishoprick with an Army into *Durham*, and making great burning and spoils, the Communalty of *Durham* met together at *Durham*, whereof the Plaintiff was one, and agreed to send some to compound with them for money to depart, and were all sworn to perform what Composition should be made, and to perform what Ordinance they should make in that behalf: and thereupon they compounded with the Scots for 1600. Marks. But because that was to be paid immediately, they all consented that *William Keylow* the Defendant, and others, should go into every mans



mans house to search what ready money was there, and to take it for the making of that sum, and that it should be repaid by the Communalty of *Durham*: And thereupon the Defendant did enter into the Plaintiffs house, and did break open the Chest, and took the 70. pounds, which was paid accordingly towards that Fine. The Jury were demanded whether the Plaintiff was present, and did consent to the taking of the money; they said, No: Whereupon the Plaintiff had judgment to recover the said 70. pounds and damages; for that otherwise he had no remedy for his money so taken, and the Defendant committed in execution for the same: And thereupon the Defendant *Keylor* brought a Writ of Error in the Kings Bench, and assigned his Errors in point of Judgment, and there the judgment was reversed:

1. Because the Plaintiff *Heybourne* had his sufficient remedy against the Communalty of *Durham* for his money.

2. Because he himself had agreed to this Ordinance, and was sworn to perform it; and that the Defendant did nothing but that he assented unto by his Oath: and therefore is accounted to do nothing but by his consent, and as a Servant unto him; therefore he was no Trespasser: And therefore the judgment given in *Durham* was reversed, because he had assented to that Ordinance; though he was afterwards unwilling, yet having once consented, his Goods were lawfully taken: By which it appeareth, that if he had not particularly consented, such an Ordinance could not have been good to bind him, although this was in a case of great danger, and for defence.

In the second Year of King *Richard* the Second, *Part prima*, The Parliament Roll proved this directly: although it be no Act of Parliament, yet the Record is much to be regarded, for it sheweth what the Law was then conceived to be: For, *Scroope* the Lord Chancellor then shewed to all the Lords and Commons assembled in Parliament, that all the Lords and Sages had met together since the last Parliament, and having considered of the great danger the Kingdom was in, and how Money might be raised in a case of imminent danger, which could not stay the delay of a Parliament, and the Kings Coffers had not sufficient therein; The Record is, That they all agreed, that money sufficient could not be had without laying a charge upon the Communalty; which (say they) cannot be done without a Parliament. And the Lords themselves for the time did supply the said necessity with money they lent. Which Record proved directly, that this charge, without an Act of Parliament, is illegal.

So upon this Reason I conclude, That this Writ compulsorily to charge the Subjects against their Wills, is not warranted by any Books, and therefore illegal.

If this Writ should be allowed, great inconveniencies would ensue, which the Law always will avoid, and not permit any inconveniences.

That if such a charge may be laid upon the Counties by Writ, without assent of Parliament, then no man knoweth what his charge may be; for they may be charged as often as the King pleateth, and with making as many Ships, and of what burthen, and with what charge of Munition, Victuals, and Men, as shall be set down: Wherein I doubt not, but if the Law were so, the King, being a very pious and just King, would use his power very moderately; but Judges in their judgments, are not to look to present times, but to all future times, what may follow upon their judgments.

That this inconvenience may be, it appears by the Dane-gelt, first appointed in time of necessity to redeem them from the cruelty of the *Danes*, which often changed, and still increased: for in *Anno Domini* 991. when it began, it was ten thousand pounds; and *Anno Domini* 994. it was increased to Sixteen thousand pounds; and *Anno Domini* 1002. it was increased to Twenty four Thousand pounds; and *Anno Domini* 1007. it was increased to Six and thirty Thousand pounds; and in *Anno Domini* 1012. it was increased to Eight and forty Thousand pounds. So if this Writ be well awarded, it may be at pleasure what bounds it shall have.

Also there were never but one single Subsidy and two Fifteens used to be granted in Parliament, until the one and thirtieth Year of Queen *Elizabeth*, and then a double Subsidy and Four Fifteens were granted, Sir *Walter Mildmay*, then Chancellour of the Exchequer moving for it, and saying, his Heart did quake to move it, not knowing the inconveniences that should grow upon it; but shewed great reasons for so moving of it, being immediately after the Spanish Invasion: and so it was granted. Afterwards in the Five and thirtieth Year of Queen *Elizabeth*, treble Subsidies, and Six Fifteens were granted: and in the three and fortieth Year of Queen *Elizabeth*, Four Subsidies and Eight Fifteens; and yet these were not accounted grievous, neither would it have been, if it had been Ten Subsidies, because in Parliament, and convenient times and means appointed for the levying of them.

Tonnage and Poundage were granted to this end, 13 R.2. (and have continued ever since by several Grants) that the King might have monies in his Purse against time of need for extraordinary occasions; especially for the defence of the Realm, and for guarding the Seas, as it is especially declared by the Statute of 1 Jac. and former Statutes.

Object.

But it is said, that Tonnage and Poundage is not granted now to the King; Therefore the King is enforced to take these extraordinary Courses.

Solut.

Though it be not granted, yet I think it is taken; and I doubt not but to the same intent, and for the same purpose for which it was first granted; which was for the defence of the Kingdom, and the guard of the Seas.

Therefore in case of danger and necessity, every Subject, for defence of the Kingdom, is bound *Ligeancie debito*, as some Records say; and *Ligeancie sue vinculo astricti*, as others speak: *Se & sua totis viribus & potestate exponere, &c.* And in such a case the King may command the persons of his Subjects, and arrest their Ships to wait on his, to defend the Sea: Yet this also (when they go out of their Counties) at the Kings charges. But to command the Subjects by Writ to build new Ships, or to prepare Ships at their charges, or to lay a common charge on the Subjects in general, for matter of defence or avoidance of danger, is not warrantable by the Common Law.

2. Another inconvenience is, That it is left in the power of the Sheriff to charge any mans Estate at his pleasure; taxing some, and sparing others, as his affection leadeth him. And sometimes by colour thereof, levying more than he need, and enriching himself; which power the Law never alloweth him, although it were in less matters; as to make an Assessment for the breach of the Sea-walls, but to do it by a Jury, and not himself alone.

So



So for these Reasons I conclude this Writ is against the Common Law, and so illegal.

For the second point, I conceive, if the Common Law were doubtful in this, whether such a charge might be imposed by Writ, yet now it is made clear by divers express Statutes, that the King is not to lay any charge upon his Subjects, but by their consent in Parliament : and that is by many Acts of Parliament in force, and not repealed. And there is no doubt but the Kings by Statute may bind them and their Successors not to lay any such charge, every King being bound by Oath to perform the Statutes of his Realm.

The Statute of 25 Edw.1. which is in these words:

25 Edw.1.

*Forasmuch as divers People of our Realm are in fear that the Aids and Taxes which they have given us before time towards our Wars and other business of their own Grant and Good Will ( howsoever they were made ) might turn to a Bondage to them and their Heirs, because they might be at another time found in the Rolls; and likewise for the Prizes taken throughout our Realm by our Ministers, We have granted for us and our Heirs, that we shall not draw any such Aids, Taxes, or Prizes into a Custom for anything that hath been done heretofore by any Roll, or any other President that may be found.*

*Ibidem, cap.6. Moreover We have granted for us and our Heirs, as well to Arch-bishops, Bishops, Abbots, Priors, and other Folk of Holy Church; As also to Earls, Barons, and to all the Communalty of the Land, that for no business from henceforth we shall take such Aids, Taxes, nor Prizes, but by the common assent of the Realm, and for the common Profit thereof, saving the ancient Aids and Prizes due and accustomed. Which are the express words of that Statute.*

Ibid.cap.6.

Now what those ancient Aids were, is well known, viz. that they were, *ad redimendum corpus, ad filium primogenitum militem facien'* : *Et ad filiam primogenitam maritandam.* Which Aids concern not the Subjects in general, but particular men were liable thereunto by their tenures : so this saving needed not to have been; for the Body of the Act extended not to them, but to general Aids of the Kingdom.

However, if this *Salvo*, as it hath been objected, would preserve this Aid now in question; yet the Statute made afterwards *de Tallagio non concedendo*, being without any *Salvo*, takes it away : which Statute Rastal in his Abridgment, fol.441. in his Title of Taxes, abridgeth in this manner;

Anno 25 Edw.1. *It is Ordained, That the Taxes taken, shall not be taken in Custom, nor but by the assent of this Realm, except the ancient Aids and Taxes.*

And there the Taxes of Wool of forty shillings a Sack is released.

*Ibidem 2. That no Tallage by us or our Heirs in our Realm, be put or levied, without the assent of the Arch-bishops, Bishops, Earls, Barons, Knights, Burgeses, and other Free Commons of our Realm, That nothing be taken from henceforth in the Name, or by reason of Male tout of a Sack of Wool, Statutum de Tallagio non concedendo.*

Object.

Master Solicitor laboured much to prove, that there was no such Statute *de Tallagio non concedendo*.

1. For that it is not to be found in the Rolls of Parliament.
2. For that it is not set down, when it was made.
3. That it was but an Abstract out of *Confirmatio Chartæ libertatum*.

Master Attorney said, he would not deny it to be a Statute, neither would he affirm it; but yet it did not extend to take away the Aid de-

manded by Prerogative, or Power Royal, for defence of the Kingdom.

*Solut.*

To this I answer, that it was never doubted to be a Statute, until this Argument; and that it is a Statute, appeareth;

1. For that it is printed in the Book of Statutes as a Statute.

2. It is recited in the Petition of Right, 3 *Car.* to be a Statute.

3. To that, that it is not found in the Rolls, I answer, That many Statutes which are known Statutes, are not found in the Rolls, as *Magna Charta* is not.

And as touching the time, I conceive it to be made in 34 *Edw.* 1. *cap.* 1. for so it is set down in the great printed Book of Statutes, *Anno* 1618. to be the first Chapter of the Statutes therein made, *viz.* in these words:

*No Tallage or Aid shall be taken or levied by us or our Heirs in our Realm, without the good will and assent of Archbishops, Bishops, Earls, Barons, Knights, Burgeses, and other Free men of the Land.*

And that it is a Statute, all my Brethren the Judges have agreed.

The onely doubt then is, Whether this Statute extendeth to Aids for defence of the Kingdom: which I think it doth; for it is the precise words, *That no Tallage or Aid shall be taken or levied, but by consent in Parliament: which extendeth to all manner of Aids.*

Bod. fol. 97.  
*Edw.* 1.

*Bodin* saith *fil.* 97. by a Law made in the time of *Edw.* 1. that it was provided and enacted, *That no Tax, Tallage, nor Aid, shall be imposed, but by Grant in Parliament.* And by this Law the Subjects of England have defended themselves ever since, as with a Buckler: whereby it appeareth that notice was taken of this Law in Foreign parts, and so held still to be a Statute in force.

14 *Edw.* 3. c. 1.

The next Statute is 14 *Edw.* 3. *cap.* 1. which reciteth the Grant of the great Subsidy of the ninth Fleece of the ninth Lamb, &c. (formerly granted) and thereupon these words follow:

*We, willing to provide for the Indemnity of the said Prelates, Earls, Barons, and other the Communalty of the Realm; and also of the Citizens, Burgeses and Merchants aforesaid, will and grant for us and our Heirs, to the same Prelates, Earls, Barons, and Commons, Citizens, Burgeses, and Merchants, that the same Grant shall not be had forth in example, nor fall to their prejudice in time to come: Nor that they be from henceforth charged nor grieved to make any Aid, nor sustain charge, if it be not by the common Assent of the said Prelates, Earls, Barons, and other Great Men, and Commons of the said Realm of England, and that in the Parliament: and that all the Profits arising of the said Aid, and of Wards Marriages, Customs, and Escheats, and other Profits arising of our said Realm of England, shall be set and dispended upon the maintenance of the safeguard of this Realm of England, and of our Wars of Scotland, France and Gascoin, and in no place elsewhere, during our said Wars.*

By this Statute it appeareth, that it is expressly provided, That the Subjects should not be from thenceforth charged nor grieved to make any aid, nor sustain any charge, but by common assent, and that in Parliament; which is as exprets as may be, and exclusive to any charge otherwise; which I conceive, was made against the appointment of making or preparing, and sending of Ships at the charges of the Towns whence they were, or sending Men out of their Counties at the charges of the County.

Now, where it is alledged by my Brother *Weston*, and my Brother *Berkley*,



*Berkley*, that this was but a temporary Statute, and ended when his Wars ended, which appeareth by the last Clause, for employment of those profits of his Wards, &c. towards those Wars : I conceive it appeareth to be an absolute and perpetual Statute ; for it is granted for him and his Heirs, which is in perpetuity : And also it appears by *Plowd.* his Commentaries, fol. 457. in *Sir Thomas Wroth's Case*, where a grant is by the name of the King, which is in his politick capacity ; this extended against him, his Heirs and Successors, although they be not named.

Also the intendment of this Law appeareth to be for the security of the Subjects from thenceforth for all future Ages ; and then the Office of Judges is, as appears by *Sir Edward Cokes Reports*, lib. 3, fol. 7. and *Plowdens Commentaries* in *Byston* and *Studs Case*, to construe Statutes according to the true intent of the makers thereof, which was in this Case, That it should be a perpetual security for them, And to little purpose it had been to make a Statute to continue but during the time of the Wars.

Also where it is alleaged, that the Statute of 14 *Edw. III.* is not mentioned in the Petition of Right, which is some Argument that it was not conceived to be a continuing Statute.

To that I answer, that in that Petition of Right it is said, That by the Statutes there recited, and other the good Statutes of this Realm, the Subjects shall not be compelled to contribute to any Tax, Tallage, Aid, nor other like charge not set by Parliament, in which this Statute is as well intended, as other Statutes, and as far, as if it had been expressly cited.

Also it appeareth by all the Books of Statutes, that this Statute is Printed as a Statute continuing, whereas others expired, are so set down as expired.

21 *Edw. III. pars 2. m. 11.* A Subsidy being granted by Parliament, viz. Forty shillings of every Sack of Wooll transported before *Michaelmas* following, and Six pence of every twenty shillings of Merchandize, for the safe guarding of the Merchants, defence of the Coasts, &c.

21 *Edw. 3. p. 2. m. 11.*

After *Michaelmas*, viz. 31. *Octob.* 21 *Edw. III.* by Writ the Collectors were commanded to continue the Collection of those Subsidies until *Easter*. But 26. *Novemb.* 21 *Edw. 3.* the King by Writ commanded the stay of the Collection of the sixpence in the twenty shillings, and to continue the Collection of the Subsidies upon the Sacks of Wool until *Easter*.

22 *Edw. III. Parliament, mem. 16.* the Parliament being holden in Lent, the Commons complained of this continuance of the Collection of the Subsidy upon the Sacks of Wooll longer than the Parliament had granted it ; and provided, that it should not be continued longer than *Easter* by the procurement of no person.

22 *Edw. 3. m. 16.*

By this it appeareth, that the Parliament being careful, that the time for levying of a Subsidy granted, should not be enlarged by any power, much less would they admit of a Writ, to lay a charge without grant by Parliament.

25 *Edw. III. m. 8.* it was enacted, That no man should be compelled to find men at Arms, other than such as hold by such Services, except it be by common assent in Parliament.

25 *Ed. 3. m. 8.*

By this appeareth, that if men be not compellable to find a man at Arms, unless it be by common assent in Parliament, much less is any bound

Object.

Sol.

bound to be contributory to the preparing of a Ship with 180. men at Arms, and Victuals, and Wages of the Souldiers for a time, unless it be by common assent in Parliament.

*Rot. Parliamenti 2 Hen. IV. nu. 22.* (an Act of Parliament, as I account in the very point) is in these words: For that of late divers Commissions were made to divers Cities and Burroughs within the Realm, to make Barges and Barringers, without assent in Parliament, and otherwise than hath been done before these hours; The Commons do pray the King, that those Commissions may be repealed, and that they may not be of any force or effect, to which it is answered: That the King willesh, that the said Commissions be repealed in all points, which is an absolute and perfect Statute; but then there is added these words: But for the great necessity that he hath of such Vessels for defence of the Realm, in case that the Wars shall happen, he will treat with his Lords of this matter, and afterwards will shew it unto the Commons, to have their counsel and advice in this point: So by this Record it appeareth, that the Commons did conceive, That no Cities, Burroughs, nor Towns, without assent in Parliament, were to be charged with the making of such Vessels, to which the King agreeth. And from that day to this very day, (until the making of these Writs) in no Age (although the Kingdom hath been many times in danger of Invasion, and hath been invaded) there do appear any Records that ever I have seen, or any Writs directed to any Towns or Cities, at their charges to make or prepare any Ships or Vessels whatsoever.

*Object.*

And whereas it hath been objected, and especially insisted upon by my Brother *Berkley*, That this latter part (that the King will treat with his Lords concerning them, and after confer with the Commons) is a gentle denial of that Act, as the experience is at this day: *Roy se aviserà*, is a denial of an Act.

*Solut.*

Hereunto I answer, That it is an absolute Act; for it is an absolute assent unto the Petition, and that which came after, was but a plausible excuse; for that such Commissions had gone out, and this further consultation never appeared to be made, nor ever any such Writ or Commission for such Vessels to be made, went out ever since until this Writ.

13 H. 4. nu. 10.

13 *Hen. IV. nu. 10.* A grant is of a Subsidy of Woolls, Woolfels, Hides, and other things there mentioned, and of Tonnage and Poundage for one year, for the defence of the Marches of *Callice*, &c. and for the defence of the Realm, and safeguard of the Sea: And therein is this express proviso, *viz.* Provided always, that this grant of a Subsidy of Woolls, &c. and of Tonnage and Ponndage in time to come, shall not be taken in example, to charge the Lords or Commons of this Realm with any manner of Subsidy, for the safeguard of *Callice*, &c. nor for the defence of the Realm, nor for the safeguard of the Seas, unless it be by the wills of the Lords and Commons of this Realm; and that by a new grant to be made, and that in full Parliament to come. By this it appeareth, that it was then provided, That no charge should be laid upon the Lords or Commons, no not for the defence of the Realm, but by grant in full Parliament.

13 H. 4. nu. 33.

13 *Hen. IV. nu. 33.* A Petition was in Parliament, reciting, that there was an Office granted of *Alnager* within *London*, and the Suburbs of the same, with Fees to that appertaining, where any such Office never was, nor any such Fees appertaining thereunto; and that by colour thereof they

levy



levy upon the sale of every Broad-cloth, an half penny of the Buyer, and an half penny of the Seller ; and upon sale of every hundred Ells of Canvas, a penny of the Seller, and a penny of the Buyer, wrongfully against the Statute in the time of your Highness Progenitors made to the contrary ; by which it is ordained, That no Tallage nor Aid shall be granted nor levied, without assent and consent of the Lords and Commons of your Realm, as by the said Statute fully is declared : Wherefore they pray, that such Letters Patents thereof made shall be void, and holden for none : And this was granted ; whereby it appeareth, that it is declared then in Parliament, that these Statutes were, and did continue, that no Tallage or Aid shall be levied without grant in Parliament.

I *Rich. III. cap. 2.* It is enacted in these words : Our Sovereign Lord the King remembring how the Commons of this Realm by new and unlawful inventions, and inordinate covetise against the Laws of this Realm, have been put to great servitude, and importune charges and exactions ; and especially by a new imposition, called a *Benevolence*, whereby divers Subjects of this Land against their Wills and Liberties have paid great sums of money, &c.

It is enacted and ordained, That the Subjects and Commons of this Realm from henceforth shall in no wise be charged by such charges or imposition, called a *Benevolence*, or by such like charge : And that such exactions, called a *Benevolence*, before that time taken, shall be taken for no example, to make any such, or any like charge of any his Subjects of this Realm hereafter ; but shall be damned and adnulled for ever.

By this it appeareth, that it is expressly provided, That the Subjects shall not be charged by way of *Benevolence*, which is in nature of a free gift, or such like charge, that is, no charge of money shall be upon the Subject for any pretence whatsoever, be it for defence in time of danger, or the guarding of the Seas.

The last and concluding Statute is the Petition of Right, made in the third year of his Majesties Reign, where reciting, that it was enacted by a Statute made in the time of *Edward the First*, commonly called, *Statutum de Tallagio non concedendo*, that no Tallage or Aid shall be laid or levied by the King or his Heirs in this Realm, without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, and other the Freemen of the Communalty of this Realm : And by a Statute of 25 *Edw. III.* That none shall be compelled to make any loans to the King, because such loans were against reason, and the franchise of the Land : And by another Statute, That none shall be charged by any impositions, called a *Benevolence* : By which Statutes, and other the Statutes of this Realm, your Subjects have inherited this freedom. That they shall not be compelled to contribute to any Tax, Tallage, Aid, nor other like charge not set by Parliament : And then they pray, that none hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or any such like charge, without common consent by Act of Parliament.

And after five other things there mentioned, the conclusion is, All which they pray as their Rights and Liberties : Unto which the King answers, Let right be done, as is desired, which is a full and perfect Statute, shewing in this point the Liberties of the Kingdom prayed and allowed, which was not done without the advice of the Judges then being, whereof I was one ; whose opinions were then demanded, and resolved, that the same did not give any new Liberty, but declared  
what

what the Liberty of the Subject was in this amongst others, that they should not be compelled to be contributory to any Tax, Tallage, Aid, nor any like charge not set by Parliament.

By reason of all which Statutes, especially of those of 25 *Edm. I.* 31 *Edm. I.* and 14 *Edm. III.* being in the Negative and in force, I conceive that those Writs, to lay such a charge, is against the Law, and so the assentment by colour thereof not lawful.

*Object.*

Now, whereas the precedent Arguments have been, that the Kingdom being in danger, therefore these Writs went forth for the making of Ships, because there could not be so suddenly any Parliament called: And the Parliament is a slow body; and the Kingdom may be lost, whilst there is consultation: And the danger is conceived to be very great, because the first Writ of 4. *Augusti* so mentioneth, that the Pirates provide a great Navy to infest the Kingdom, and it is fit with speed to provide a remedy; and that the Writ of *Mittimus* mentioneth, that *Salus Reipublicæ periclitabatur*: And we must believe these suggestions to be true; for the Kings Certificate by this Writ is, *Recordum superlativum*, as Master Solicitor and my Brother *Berkley* termed it; and we must leave it upon the Kings conscience (if it be not true) to lay such a charge upon an untrue suggestion: And the Defendant also by his Demurrer hath confessed all the suggestions in the Writ to be true; therefore it must be conceived, that the Kingdom was in great danger, and present remedy must be had by making these Ships, and may be commanded by those Writs, and not to stay for a Parliament: And my Brother *Cramley* said, It may be, that if a Parliament were called, they will not yield to the going forth of such Writs, although the Kingdom were never so much in danger: And this charge, in respect of the making of defence, is not within the intention of these Statutes; and if it had been expressly mentioned within a Statute, that such a charge should not be imposed, it had been a void Statute, and contrary to the Law, that the Kingdom should not be defended.

*Solut.*

1. To all these I answer, That the matter now in question is upon the Writ of 4. *Augusti*. whether that be legal, or not; and the suggestions therein be sufficient or not for the Writ of *Mittimus*, mentioning that *Salus Reipublicæ periclitabatur*, at the day of issuing forth the Writ of 4. *Augusti* (which is a year and a half after the first Writ) doth not help it, And this is not notified to the Sheriff and Inhabitants of the County, to make them the more careful, and in the greater contempt, if a Ship were not provided: But it is only a notification to the Barons of the Exchequer, that the same was the reason why the said Writ issued forth.

2. That the suggestions are not absolute, that any such danger was, or such Navy was prepared by the Pirates, but only mentioneth, *Quia datum est nobis intelligi*, that the Pirates had done such mischief, &c.

3. If such suggestions had been absolutely set down, yet we are not always bound absolutely to believe them, because many times untrue suggestions are made in Writs and Patents; and yet it doth not lie upon the Kings conscience, neither doth the Law impute any fault to the King, if any such be; for the Law doth always conceive honourably of the King, that he cannot, nor will not signify any untruth under his Great Seal; but is abused therein, and the Law imputeth it to them that so mis-informed the King, and thrust in such suggestions into the Writ:

And



And therefore all Patents grounded upon untrue suggestions are accounted void.

4. That the Demurrer confesseth nothing but that which is legally and well set down; but if it be illegal, the Demurrer confesseth it not, but is well offered for that cause.

5. If the Kingdom were in danger, yet a charge must not be laid in general upon the Subjects, without their consent in Parliament; for either the danger is near, and then present provision must be made by mens persons, and the present Ships of the Kingdom, which the King may command from all parts of his Kingdom, as need shall require; but cannot command money out of mens Purfcs, by distraining their goods, or imprisoning their persons: But if the danger be further off, by reason of any forein combinations (as it is conceived it may be here) then provision must be made of Ships by all the Kingdom for defence; then (as *Philip de Comines* saith, fol. 179.) that cloud is seen afar off, before that the tempest fall, especially by a forein War; and such invasions cannot fall so soon, but that the King may call his Sages together, and by consent make provision for such defence.

So I say here, if there be time to make Ships, or prepare Ships at the charges of the Counties; then is there time enough for his Majesty (if he please) to call his Parliament, to charge his Commons by consent in Parliament to have a subsidiary Aid, as always hath been done in such cases; and they are not so long coming or meeting, when they come but to make provision for defence, being all their safeties,

For it appeareth by *Coke, lib. 9. fol. 1.* in his Epistle, that King *Alfred* made a Law, that the Parliament should be held twice every year; and oftner, if need require, in time of peace: So that it was then conceived, it was necessary to have Parliaments often to redress inconveniences.

*Coke, lib. 9. f. 1.*

Also by a Statute made 4 *Edw. III. cap. 14.* It is enacted, that a Parliament shall be held once every year, and oftner, if need be: Also by a Statute made 36 *Edw. III. cap. 10.* It is enacted, for redress of mischiefs and grievances that daily happen, a Parliament shall be holden every year; as another time was ordained by a Statute, which I think referreth to 4 *Edw. III.* Also it appeareth by the speed that was in the Parliament held in the third year of his Majesties Reign, five Subsidies were granted, two of them to be paid within few days after the Session of Parliament ended; and therefore might (as this case is) been ordered and provided for by Parliament, within seven months, as the time was between the Teste of the Writ, and the time prefixed for Ships to be prepared and sent.

4 *Ed. 3. ca. 14.*

35 *Ed. 3. c. 10.*

4 *Edw. 3.*

Where it is objected, that the Parliament perhaps would not have consented, and so the Kingdom might have been lost.

It is answered, That it is not to be presumed, that the Parliament would deny to do that which is fit for the safety and defence of the Kingdom, their own Estates and Lives being in danger if the Kingdom were not sufficiently defended; for it is a Rule, *Nihil iniquum est præsumentum in Lege*: So of the High Court of Parliament, that they would not deny that which is fitting: But I confess I do think, if it had been moved in a Parliament, they would never have consented to these Writs, they never having been awarded before since the Conquest; and if they had consented, they would have taken a course how the same should have been made with most conveniency, and not to leave it to the Sheriff to tax them when and how he would.

7. To that which hath been said, That this charge is not within the intention of the Statutes, and that a Statute to prohibit such a charge for defence were void: I answer, That it is true, if a Statute were that the King should not defend his Kingdom, it were void, being against Law and Reason; but a Statute that Money shall not be charged or levied, nor that men shall be charged to make or prepare Ships at their own charges, without common consent in Parliament, I conceive it a good Law, and agreeable to Law and Reason; and the King may by Parliament restrain himself from laying such a charge but by consent: And then the King, being a just and pious King as ever governed the Kingdom (which we that serve in his Courts of Justice have daily experience of) would not assent unto, or suffer any such charge (if he may be truly informed) that the imposing of this charge were against any one Law of his Kingdom, as this is against so many; but would say, as it is said in the Statute made in the 25 *Edw. III. de provisoribus*, reciting the Statute of *Carlyes*, made 35 *Edw. I.* That the Pope should not be permitted to present to Benefices, That he was bound by his Oath to see that and other Laws in force, and not repealed, to be performed, That he would not suffer such charges to be laid, contrary to the Laws and Statutes of his Realm; and would do as the late famous Queen *Elizabeth* did, having required a charge upon divers her Subjects by particular Letters from the Lords of her Council of several sums of money, for present help towards her Wars in *Ireland*, hearing that one of her Judges being convented before her Lords for not payment of it, thereby discouraging others to pay it, answered, that it was against the Law that the same should be imposed, there being an express Statute against it, which he being a Judge, was bound by his Oath to signify; he being, as much as in him was to be, a conservator of the Queens Oath in that behalf: The Queen, I say, was very angry, that such an imposition had been made against Law, and commanded, that it should be stopped from further gathering, and to some that had paid their Moneys, the same were restored: And therefore the principal and only fault in the charging of his Subjects by these Writs (if they be unlawful, as I conceive they are) is in those that devised them, and informed him that they were lawful, and such as his Progenitors had from time to time used to send out; and in his Judges, who have affirmed it to be lawful: Therefore upon this point I conclude, That this charge by this Writ is illegal, and is no sufficient cause to charge the Defendant.

*Object.*

Where it hath been much urged and argued by Master Solicitor and Master Attorney, that this Writ is warranted by the Kings Prerogative and power Royal, to send forth such Writs for defence and safety of the Kingdom in time of danger.

*Solut.*

To this I answer, That I do not conceive, that there is any such Prerogative; for if it were a Prerogative, I should not offer to speak against it, For it is a part of our Oaths that are Judges, to maintain the Kings Prerogative to the best of our skills, and not to suffer the same to be diminished; but if it be (as I have argued it is) against the Common Law, and against so many Statutes, that the Subjects should be enforced to sustain, or to contribute to any charge, without their especial assent, and common assent in Parliament, then there is no such Prerogative: For whatsoever is done to the hurt or wrong of the Subjects, and against the Laws of the Land, the Law imputeth that Honour and Justice to the King (whose Throne is established by Justice) that it is not done by the King,

*Id est, Walme-  
ley, & come  
Pluton, Gian-  
vil, auxi.*



King, but it is done by some untrue and unjust Informations ; and therefore void, and not done by Prerogative.

This appeareth by the authorities of our Books ; for *Bracton* who is an ancient Writer in our Law, saith, *Nihil aliud potest Rex in terris, cum sit minister Dei, & ejus Vicarius, quàm de jure potest* : And there a little after, *Itaque potestas sua juris est, & non injuriæ ; cum sit autor juris, non debet inde injuriarum nasci occasio unde juris nascuntur*. Sir *Edm. Coke* in the eleventh Book of his Reports, in the Case of *Magdalen Colledge*, where the question was, Whether *Queen Elizabeth*, having taken a long Lease of a Colledge, being conceived to be against the Statute of 13 *Eliz.* was sought to be maintained by her Prerogative ; but resolved it could not, being against a Statute, by which she was bound, although not named ; and there fol. 72. it is said, *Hoc solum Rex non potest facere, quod non potest justè agere*.

*Bract. lib. 3.  
fol. 127.*

*Plowdens Comment*, fol. 246. & 247, in the Lord *Berkley's* Case it is said, that the Prerogative of the King cannot do wrong, and his Prerogative cannot be any warrant to do any wrong to any.

*Plowd. Com.  
fol. 246, 247.*

*Plowdens Comment*, fol. 487. in *Nichols* Case, it is said by Justice *Harper*, Although the Common Law doth allow many Prerogatives to the King, yet it doth not allow any that he shall wrong or hurt any by his Prerogative.

*Plowd. Com.  
fol. 487.*

21 *Edw. III.* fol. 47. in the Earl of *Kents* Case it is said, That if the King under his Great Seal do make any grant to the hurt of any other, he shall repeal and avoid it *Jure Regio* ; for the King is accounted to be abused by untrue suggestions, when he is drawn to do any wrong to the hurt of any other, much more, I say, when he is drawn to do any thing to the hurt of his Subjects in general.

21 *Ed. 3. f. 47.*

Sir *Edward Coke*, lib. 11. fol. 86. in *Darcies* Case it is said, That every grant of the King hath this condition unto it, *Tacitè or expresse : Ita quòd Patria per donationem illam magis solito non oneretur seu gravetur*.

*Coke. l. 11. f. 86.*

The Book called *Doctor and Student*, fol. 8. setting down, that the Law doth vest the absolute property of every mans goods in him, and that they cannot be taken from him, but by his consent, saith, That is the reason, if they be taken from him, the party shall answer the full value thereof in damages : And sure I conceive, that the party that doth this wrong to another, shall, besides the damages to the party, be imprisoned, and pay a Fine to the King, which in the Kings Bench is the tenth part of as much as he payeth to the party : So then, if the King will punish the wrong of taking of goods without consent between party and party, much more will he not by any Prerogative take away any mans goods without his assent, particular or general.

*Doct. & Stud.  
fol. 8.*

So I conclude, that I conceive there is not any such Prerogative, to award such Writs, to command men to sustain such charge, or to be contributory to it, and to be distrained or imprisoned for not payment thereof.

Also I conceive, that this is not an Act of Royal power ; for if it be illegal to impose such a charge, then is it not accounted as a matter of Royal power, but as a matter done upon an untrue suggestion, and a matter of wrong done ; and wrong is not imputed to the King, for he can do no wrong, but it is imputed unto them who advised him to this course.

Royal power, I account, is to be used in cases of necessity and imminent danger, when ordinary courses will not avail ; for it is a Rule, *Non*

*recurrendum est ad extraordinaria, quando fieri potest per ordinaria*; as in cases of Rebellion, sudden Invasion, and in some other case, where Martial Law may be used, and may not stay for legal proceedings; but in a time of peace and no extreme necessity legal courses must be used, and not Royal power.

31 H.8.c.8.

Therefore, where by the Statute of 31 Hen.VIII. cap.8. which was made upon suppression of Abbies, when Rebellions were begun to be stirred, it is recited, That sudden occasions happen which do require speedy remedies, and for lack of a Statute the King was enforced to use Royal power; it was enacted for the reasons therein mentioned, That the King, by the advice of his Council therein named, two Bishops, two chief Justices, and divers others, and the more part of them, by his Proclamation might make Ordinances for punishment of offences, and lay Penalties, which should have the force of a Law (with a proviso, that thereby no mans Life, Lands, or Goods should be touched or impeached:) So that therein Royal power was fortified by a Statute; yet that Statute took care, that no Lands or Goods should be taken or prejudiced: But yet that Statute was thought inconvenient, and therefore by a Statute of 1 E. VI. the same was repealed.

1 E. 6.

Brañ, l. 2. c. 24.  
fol. 55.

Coke l. 7.  
fol. 11.

Coke l. 7. fol. 5.

Brañon, lib. 2. cap. 24. fol. 55. and the same is cited in Coke, lib. 7. fol. 11. in Calvins Case, *Regis Corona est facere justitiam & judicium, & tenere pacem, sine quibus Corona consistere non potest, nec teneri.*

Coke, lib. 7. fol. 5. in Calvins Case, cited out of Fortescue, *Rex ad tutelam Legis, corporum, & bonorum erectus est*; which being so, he cannot take any mans Goods, or charge them without his assent, by any Prerogative or power Royal.

Also there can be no such necessity or danger conceived, that may cause these Writs to be awarded to all Counties of England, to prepare Ships at such charge, and with such Men and Munition, without consent in Parliament.

For the Laws have provided means for defence in time of danger without taking this course, for that the King hath power to command all, or any Persons of his Kingdom, to attend with Arms at the Sea-coasts, or any other parts of the Kingdom; and also by his Officers to make stay or arrest all or any the Ships of Merchants, and others having Ships, or as many as he pleaseth, to go with his Navy to any parts of his Kingdom for defence thereof, and to attend those to whom he appointed the guard of the Sea or Sea-coasts, at such times and places as they should appoint: And this hath been always taken and conceived to be sufficient for defence against any Prince whatsoever; and yet the same was in times when the Navy of England was not so strong, as now by the blessing of God, and good providence of his Majesty it is: That this course was then so taken, it appeareth by divers Records, viz.

23. Edw. I. m. 4.

23. Edw. I. m. 4. The Record reciteth, that the French King had prepared a great Navy upon the Sea, and purposed to invade the Kingdom, *Et linguam Anglicanam de terra delere*; and thereupon the King commanded all his Ships and Men with Arms to be in a readiness to defend the Kingdom.

10 Ed. 3. m. 16.

Scot. 10 Edw. III. m. 16, reciteth, that certain Gallies in the parts beyond the Seas were prepared with provision of Men and Arms, and other necessities of War, and ready to invade the Land; command was, that divers Ships should be in a readiness to defend, and the Ships of the Ports of Ireland to be sent to England to help to defend the Kingdom.

Scot.



Scot 10 Edw. 3. m. 22. A Writ was to the Bailiff of *Southmales*, reciting, that the *Scots* and divers others confederating together, prepare themselves to Arms and Ships in a great number, and intend to invade the Kingdom; command to them was, to have one Ship ready upon the Sea to defend their Coasts.

10 Ed. 3. m. 22.

Alman. 12 Edw. 3. m. 10. A Writ to the Major of *London*, *Quia hostes nostri in Gallias, cum multitudine non modica congregati, in diversis partibus regni hostiliter ingressi sunt, & civitatem predictam celeriter si possunt invadere proponunt*; The King commandeth them to shut up the City towards the Water, and to put all their men in Arms, ready to defend, &c.

12 Ed. 3. m. 10.

Alman. 12 Edw. 3. m. 13. A Writ to the Bailiffs of *Great Yarmouth*; *Quia pro certo didicimus, quod hostes nostri Franciæ, & adhaerentes eisdem, Gallias & Naves guerrinas in copiosa multitudine in partibus exteris congregarunt, & eis hominibus, ad arma, & alia arma parare faciunt, & proponunt se movere versus regnum nostrum, & navigium regni nostri, & portus prope mare scituat pro viribus destruere, & idem regnum invadere, &c.* Command to the said Town to prepare four Ships, with two hundred and forty men, &c. At the same time, like Writs went out to twenty other Towns upon the Sea-coasts.

12 Ed. 3. m. 13.

Franc. 26 Edw. 3. m. 5. A Writ to the Earl of *Hunt.* and others; *Quia adversarii nostri Franciæ, Nos & Regnum nostrum invadere machinantes, magnum navigium parari fecer' & armari, nedum ad Regnum nostrum Angliæ subito attrahend', ad nos & dom. nostr', & totam nationem Anglicanam pro viribus subvertend', &c.* Commanding them to guard all the Coasts of *Kent*, and to array all able men with Arms, to be ready to defend the Sea-coasts.

26 Ed. 3. m. 5.

5 Henr. 4. m. 28. A Commission is to *Thomas Morley*, and others; *Quod cum inimici nostri Franciæ, Britan. Scotiæ, & alii sibi adhaerentes, inter se obligat' magna potentia armat' super mare in aestate proxim' futur' ordinaverunt, & intendunt Regnum nostrum Angliæ invadere, &c.* Commanding them to array men with Arms to defend, &c.

5 H. 4. m. 28.

4 Henr. 8. Pars 2. The King by Proclamation into the County of *Kent* sheweth, that it is come to his knowledge of certain, that his ancient Enemy the *French King*, hath prepared and put in readiness a great and strong Navy, furnished with Men of War to invade the Kingdom of *England*, the King appointed the Lord of *Albureny* and others, to put men in array, and to be ready to defend that County.

4 H. 8. p. 2.

Anno 1588. when the great Invasion was by the Navy termed the *Invincible Navy*, which was foreseen long before, this course of preparing Ships by every County of the Kingdom, was not taken or appointed; yet in all these times, when there appeared such danger of Invasions, there never went any such Writs into any the Counties of *England* to provide Ships, but the Navy of *England*, and the Army of *England* was always accounted sufficient for the defence of the Kingdom. So I conclude this point, that I conceive this course cannot be taken by any Prerogative or Royal power, nor any allegation of necessity or danger.

4. For the fourth point, I conceive that if it were legal to lay such a charge upon Maritime parts, yet to charge any Inland County with making of Ships, and furnishing them with Masters, Mariners, and Souldiers at their charge, which are far remote from the Seas, is not legal, nor warranted by any former president; for it commandeth an unreasonable and impossible thing: And then the Writ commanding such a thing as is

unrea-

unreasonable and not possible for the parties commanded of themselves to perform, without help of other Counties, is always illegal; for it is a Rule, that *Lex non cogit ad impossibilia*; therefore if one by Covenant bind himself to do a thing impossible, the Covenant is void. This appears by the Book-Case in 40 *Edw. 3. fol. 6.* where the Case is exprelly, that if a man do covenant to do a thing that is impossible, the Covenant is void, and the deed is void in that respect. Also the Book in 2 *Ed. 4. fol. 2.* If a Feoffment be made upon Condition to be void if the Feoffee do not a thing which is impossible, this Feoffment is good, and the condition void, for it was the fault of the Feoffor to annex such a condition; and this appeareth by the case of an Arbitrement. If the Arbitrator award that one shall enter into Bond with such a one as his Surety to pay a sum of Money, or to do any other act, it is void as to the finding of a Surety at the least; for it is not in his power to compel him to be his Surety, therefore the Law accounteth it unreasonable, and so void. And this appeareth by the Book-Case, 17 *Edw. 4. fol. 5.* wherein it is so resolved.

So this Writ commanding the Sheriff and Inhabitants of an Inland County to find a Ship furnished with Masters and Mariners, whereas there is not any Shipwright that hath skill to make Ships, nor any Masters or Mariners ever there inhabiting to guide a Ship; (for they are still conversant about matters of the Plough, and feeding Cattel, and Husbundry, and are trained up by Musters for skill of Arms to defend the Countries, and not with Sea affairs; for most of the County never saw a Ship, nor know what belongeth to Masters or Mariners of Ships; and the Country is not bound to seek out of the County for such men, and perhaps if they should, they cannot know where to hire them:) Therefore when such Writs to Inland Counties have been awarded to find a Ship with Masters and Mariners, it being conceived by mis-information that they were Maritime Towns, and had Ships and Mariners dwelling with them, the truth thereof being made appear to the contrary, they have been discharged, as appears by a Record in 13 *Edw. 3. pars 2. m. 14.* where a Writ went to the Admiral of the Fleet, those parts upon complaint to the King, by the men of *Bodmin* in the County of *Cornwal*, that they were unjustly charged to find a Ship with Masters and Mariners, whereas that Town was no Port Town, nor adjoining to the Sea, but far within the Land, nor ever had Ships lying there, nor Mariners, nor Seamen, nor ever used to find any such for Sea service; and that their Major and Officers were imprisoned for not finding such a Ship; thereupon the King appointed to have it enquired, whether their allegations were true, and if it were true, signified that he would not have them so unjustly charged, but that they should be discharged thereof: which sheweth that it was then accounted unjust to lay such a charge upon a Town, that was an Inland Town, and had no Mariners inhabiting in it; much more when such a charge is upon an Inland County, which is much further remote from the Sea, and cannot perform by themselves that which the Writ commandeth.

But this Record being objected by the Defendants Counsel, Master Solicitor gave Answer, that the same was because the Admiral of his own Authority had charged them, which was not according to his Commission, for he was onely to charge the Ports and Sea Towns; but that the same may not be done by the Kings Writ, the Record doth not prove.

But to this I Answer, That I conceive it is all one when such a charge



is laid upon a Town by Writ, which is an Inland Town; for so it appeareth by another Record of the same Year, viz. 13 Edm. 3. pars 1. m. 14. where a Writ was directed to the Admiral of the Fleet, *Ab ore Thamesis versus partes Occidentales*, reciting where the King by his Writ to the Town of *Chichester*, had commanded the Major and Communalty there, that they should make *unam Navem, & duos Esquarios de guerra parari*, with Mariners and Men at Arms to be at *Portsmouth* such a day, to go with the Kings Ships; and that they had complained that they had not, nor ever had any Ships arriving in that Town, nor had any Sea-men or Mariners dwelling there; and that it appeared unto the King by Inquisition of a Jury returned into his Chancery, this Allegation to be true: Therefore because the King would not have them *indebitè prægravari* (for so be the words of the Record) the King commandeth the Admiral that they shall not be troubled nor distrained for not performance of such service; whereby it appeareth, that if they, being within few miles of the Sea, should not be charged to find such a Ship, much more Inland Counties, which are much further remote from the Seas, are not justly to be charged with finding any Ships and Mariners: Therefore I conclude this point, that I conceive this Writ, in that respect, is not legal, nor warranted by any former President.

The fifth and great Point hath been (and indeed the chief Argument hath been a multitude of Records and Presidents which have been cited, that should warrant these Writs, and) that the King hath done nothing, but what his former Progenitors have done, and have lawfully done, and that he doth now but *more majorum*, and that which always in ancient times hath been done and allowed; and therefore ought now to be allowed.

I confess this Allegation much troubled me, when I heard those Records cited, and so learnedly and earnestly pressed by Mr. Solicitor, and afterwards by Master Attorney, to be so clear, that they might not be gainsaid; but that they proved a clear Prerogative, or at least a Royal power, that the King might do so, especially when my Brother *Weston* and my Brother *Berkley*, who had seen the Records, pressed them, and relied upon them for the reasons of their judgments, I say, I was much doubtful thereupon, until I had perused all those Records sent me by the Kings Counsel, and satisfied my judgment therein.

But now I answer, That if there were any such Presidents (as I shall shew that there is not one shewed to me to prove this Writ to be usual) yet it were not material, for now we are not to argue what hath been done *de facto*, for many things have been done which were never allowed; but our Question is, What hath been done, and may be done *de jure*: And then, as it is said in *Coke lib. 4. fol. 33.* in *Mittons Case*, *Judicand' est legibus, non exemplis*: and *lib. 11. fol. 75.* in *Magdalen Colledge Case* it is said, *Multitudo errantium non parit errori patrocinium*: and *l. 4. f. 94.* in *Slades Case*. Multitude of Presidents, unless they be confirmed by Judicial proceedings in Courts of Record, are not to be regarded; and none of these were ever confirmed by Judicial Record, but complained of.

But to give a more clear answer unto them, I say, that in my opinion, upon view and serious reading of all the Records that have been sent me on the Kings part (for I have read them all over *verbatim*) and I presume they sent all that were conceived to be material; and I having taken notes of every one of them, and diligently considered of them, I

conceive there is not any President or Record of any Writ which maintains this Case; for there is not any President or Record of any such Writ sent to any Sheriff of any Inland County, or Maritime County, to command the making of Ships at the charge of the County, but this is the first President that ever was since the Conquest, that is produced in this kind. But it is true, that before 25 *Ed. 1.* there have been some Writs to Maritime Towns and Ports, and other Towns, as *London, &c.*

Where they have had Ships, and Mariners to provide and prepare Ships, and to send them to places where the King pleased to appoint upon any just cause of fear of any danger, for defence; and great reason that they having Ships, and Masters of Ships, and Mariners, should be at the Kings command to bring all, or as many as he pleaseth, for defence of the Sea and Kingdom, being those that had the most benefit of the Seas, and likely to have the loss, if the Seas and Coasts were not duly guarded, and those were most commonly appointed to be at the Kings charge; but sometimes, upon some necessity, they were appointed to be at the charge of the Towns and Parts adjoining, which I think was the true cause of the complaint in Parliament, in 25 *Ed. 1.* and the making of that Statute for staying that course; for there is no Record afterwards of any such Writ in King *Edward* the First's time, after that Statute to Maritime Towns, to prepare or send Ships at the charge of the Towns. And none after, until the time of *Edm. 3.* And then the Wars being between him and the *French K.* in *An. 10, 11, 12, 13* of *Ed. 3.* were the most Writs awarded to the Maritime Towns, to send Ships at their charge sufficiently furnished. And those, I think, were the principal cause of the making of the Stat. of 14 *E. 3. c. 1.* and after that Stat. no such Writs, nor any Commissions for that purpose were awarded to make any Ships at the charge of Maritime Towns, until 1 *R. 2. m. 18.* when Writs were awarded to many Maritime Towns, and Inland Towns, for the making of Ships, which Record was much pressed by Master Attorney, and afterwards by my Brother *Weston*, and my Brother *Berkley* to prove that this course was, and might be practised after the Statute of 14 *E. 3.* for sending forth such Writs, and allowed. But that Record is fully satisfied, for it was grounded upon an Ordinance in Parliament, in 1 *R. 2. m. 52.* that all ancient Cities, Boroughs, and Towns that would have their Liberties confirmed, should have them confirmed, without any charge of Fine, save onely to make a Ship of War for defence of the Realm; so this was not compulsory to any, but voluntary to those that would have their Liberties confirmed. And afterwards in 1 *H. 4.* Commissions were awarded for the making of such Vessels for War; but those issuing forth, without any Ordinance of Parliament, were complained of in Parliament, 2 *H. 4. m. 22.* as to be against the Liberty of the Subject, as appeareth by the Statute before recited, and the Commissions expressly repealed. And since that time of 2 *H. 4.* no such Writs issued forth in any Age to any Maritime Town, to cause Ships, or prepare Ships at their own charge for the Kings service, until these late Writs.

And now I shall take a short view of all the Records that have been cited, and sent unto me; and leave them to the judgment of my Lords and others, if any of them prove these Writs to be usual and legal.



The RECORDS in the Time of  
King ꝑ O H N.

THree of these are to arrest and make stay of all Ships that they should not go out of the Kingdom, but to be ready for the Kings service; and the other was to bring Ships of particular Towns to the mouth of the Thames for the Kings service.

A Commission to guard the Seas to *John de Marshal*, and to the Sheriff of the County of *Lincoln*, and all others to attend his Commands.

Writs to the Barons of the Cinque Ports, and divers other Towns, to have their Ships ready for the Kings service.

In the Time of King Henry III.

A Writ to the Bailiff of *Portsmouth* to prepare one Gally.

A Commission to the Bishop of *Rockester* and others, and to the Sheriff of *Kent*, to cause all men at Arms in that County to be sworn, and to assesse them what Arms they should find.

A Writ to the Sheriff of *Norfolk*, commanding him to cause them which were appointed to attend at the Sea-coasts in that County, and having served forty days, intended to depart, that they should stay eight days longer by reason of the danger, and longer, if need require.

The like was sent to the Sheriff of *Suffolk* and *Essex*.

A Writ to the Major of *Bedford*, commanding him to provide for the Expences of them that were sent from thence for the guarding of the Seas, yet it is but for eight days more after the date of the Writ.

A Writ to the men of *Essex*, *Norfolk* and *Suffolk* appointed to attend for the guarding of the Sea-coasts, reciting that the King had appointed *T. de M. Custodem maris, & partium maritimarum* within their Counties, commanding them to assist him, and to perform therein what he required.

A Writ to the Sheriff of *Cambridge* and *Huntington*, to command all men of those Counties able to bear Arms, to come to the King to *London*.

In the Time of King Edward I.

A Writ to those of *Essex*, *Norfolk*, and *Suffolk*, reciting that such persons were appointed *ad custod' Maritum* in those Counties, commanding them to attend them.

Another Writ to the Sheriff of *Norfolk* and *Suffolk*, reciting that certain Constables of those Counties were appointed to assesse men at Arms, sufficient for the guarding of the Sea-coasts, commanding him to distrain, and compel them so assessed for to go.

Writs to the Sheriff of *Lincoln*, *York*, and *Northumberland*, reciting that he had commanded *A. de B. ad congregand' & capiend' centum Navies* between *Ley* and *Barwick*, & *ad homines potentes in eisdem navibus ponend'*, commanding them to assist him there.

6 Joh. m. 11.

2 Joh. m. 3.

13 Joh. m. 2.

17 Joh. m. 7.

15 Joh. m. 4.

11 Joh. m. 6.

14 H. 3. m. 14.

H. 3. m. 5.

48 H. 3. m. 4.

48 H. 3. m. 2.

48 H. 3. m. 3.

48 H. 3. m. 7.

23 Ed. 1. m. 5.

Ibid.

24 Ed. 1. m. 17.

24 Ed. I. Rot.  
62.

A Writ out of the Exchequer to *Adam de Guerdon, & alii*. Guardians of the Sea-coasts in the County of *South-hampton* to distrain the Abbot of *Reading* for to find nine Horses, which he was assessed at for that Service.

24 Ed. I. m. 16

Writs to all Archbishops, Bishops, Earls, &c. in the Counties of *Somerset*, *Devonshire*, and *Cornwal*, to attend with their Horsemen and Footmen for defence of the Sea-coasts in those parts, when they shall be required by the Guardian of those Coasts.

24 Ed. I. Rot.  
78.

A Writ out of the Exchequer directed to all Archbishops, Bishops, Earls, &c. in the County of *Norfolk*, and to the Sheriff of *Norfolk*, reciting that *Peter de Rutlin* was appointed *ad custodiam partium marinarum illarum*, commanding them to assist him.

Ibid.

A Writ out of the Exchequer, directed to the Sheriff of *Berks*, reciting that the King was informed by *Adam de Guerdon*, Guardian of the Sea-coasts in the County of *South-hampton*, that those men of the County of *Berks*, that were come to the defending of the Sea-coasts in those parts, came not as they were warned, commanded to distrain them and compel them, &c.


The like Writs were awarded to the Sheriff of *Wiltshire*, *South-hampt.* &c.

24 Ed. I. Rot.  
81.

A Writ to the Bailiffs of *Great Yarmouth*, reciting that the King was informed, that certain of *Flanders* and *French* in a great multitude, apparelled like Fishermen, intending to invade their Town, warning them to gather their Ships together, and all their Arms to defend themselves against such Attempt.

24 Ed. I. int.  
Com.

A Writ to all Sheriffs and Bailiffs, &c. reciting that he had appointed some therein named, *Ad congregand' numerum Navium, & Galliar' major'*, &c. commanding the Sheriffs in their several Counties to be assisting unto them therein.

 Not. 2.

Note, all these Records are for Arrays, and congregating of Ships, but none to make or prepare Ships at the charges of the Counties.

24 Ed. I. m. 9.

A Writ of *Superfedecas* to the Guardian of the Seas in the County of *South-hampton* to distrain *Hugh Plessis* to find Arms for his Lands in that County for the guarding of the Seas, because he was in service with the King.

24 Ed. I. m. 26.

A Writ to the Sheriff of *Essex* to discharge for the Winter time, those that lay at the Sea-coasts with their Arms to defend their Coasts, but commanding them to be in readiness when they should be again commanded.

The like Writs were then awarded to divers Sheriffs of Maritime Counties to the same purpose.

25 Ed. I. m. 12.

A Writ to the Sheriff of *Lincafter*, reciting, that whereas the King had formerly commanded him to go to all the Ports and Towns where Ships were, commanding the Bailiff of the Ports to have all the Ships of the Burthen of 400 Tuns at *Winchester* by such a day, now commandeth the Sheriff to see them made ready and sent.

Ibid. 13.

The like Writs directed to the Sheriff of *Lincoln*, *York*, *Northumberland*, and *Cumberland*,

Ibid. 14.

The like Writs directed to 19. other Ports and Towns in other Counties.

21 Ed. I. m. 20.

A Commission to send to array men at Arms in the County of *Westmoreland*.

23 Ed. I. Rot.  
77.

In the Exchequer (shewed by the Defendants Counsel) Writs were to several Maritime Towns, and other Towns upon the Sea-coasts, where



where Ships were usually made, to make Ships and Gallies, and that the King will allow and pay for them when he knoweth the charge thereof.

*In the Time of King Edward II.*

A Writ to all the Men in the Towns upon the Sea-coasts and Ports of the Sea between *South-hampton* and *Falmouth*, reciting that the King had appointed *John de Norton* to make provision of a Navy in the said Towns and Ports at their charges, commanding them to perform what he in that behalf shall require.

Pat. 9. Ed. 2.  
pars 2.

A Writ to the Bailiffs of *Tarmouth*, reciting that where the King had commanded all the Ships of the burthen of 50 Tuns, from the Thames mouth towards the West part, to be at *Portsmouth* such a day, &c. and they had sent two Ships, that the Masters and Mariners complained that they could not serve without Wages, and therefore appointed them to send them Wages.

Claus. 20. E. 2.  
m. 8.

A Writ to the Bailiffs of *Tarmouth*, commanding them to send all their Ships of the burthen of 30 Tuns and above, to *Oremel* in *Suffolk*, with double tackling, Victuals, and other things necessary for one Moneth.

20 Ed. 2. m. 10.

The like Writs at the same time to other Towns, to the number of Thirty four.

A Writ to the Major of *London* to provide 3 Ships with Men and Munition, to go with 9 Ships of *Kent*, to guard the Sea-coasts.

20 Ed. 2. m. 7.

A Writ to the Sheriff of *Norfolk*, commanding him to warn all Barons, Bannerets, Knights and Esquires, which were commanded to attend the King at *Coventry* at such a day, and to go with the King.

15 Ed. 2. m. 15.

A Writ to the Sheriff of *Norfolk* and *Suffolk*, commanding him to arrest all Barons, Bannerets, Knights, and Esquires, which were commanded to attend the King at *Coventry*, at such a day therein named, and came not, to be before the King and his Council at *London*, to answer.

15 Ed. 2. m. 15.

The Record saith, like Writs were then awarded to divers other Sheriffs of other Counties.

A Commission to array all persons between the Ages of Sixteen and Sixty, with Arms convenient, to come to the King when they shall be required.

16 Ed. 2. m. 13.

A Writ to the Archbishop of *Canterbury*, commanding him to array all his Servants and Family to be ready to defend the Kingdom, if any Invasion should be. The like Writs at that time to all the Bishops.

19 Ed. 2. m. 6.

*In the Time of Edward III.*

A Writ to the Major and Bailiff of *South-hampton*, commanding them to cause all their Ships of the burthen of 40 Tuns and above, to be furnished with Men at Arms and Victuals, ready to defend the Land, if any Invasion should happen.

2 Ed. 3. m. 92.

A Commission to *Hugh Courtney* to guard the Seas in the Counties of *Devonshire* and *Cornwall*, and commanding all others to assist him.

Scot. 9 Ed. 3.  
m. 19.

The like Commission to *Hugh Courtney*, for guarding the Seas in the same County.

10 Ed. 3. m. 25.

A Writ to *Bartholomew de Insula*, for custody of the Sea-coasts in the County

Ibid.

County of *South-hampton*, and therein is a command to *John Tickborn* and others for the County of *South-hampton*, and to *William de Pershiore* and others for the County of *Berks*, and to *John Mandit* and others for the County of *Wilts*, to array men with Arms, and to have them in readiness to defend the Coasts of the County of *South-hampton*.

Scot. 10 Ed. 3.  
m. 2.

A Writ to *William Clinton*, Guardian of the Cinque Ports, and others, to survey all the Ships of the Cinque Ports, and other Ports from the mouth of the *Thames* unto *Portsmouth*, and to cause them to be furnished with Arms and Victuals for 13 Weeks from the time they shall go from *Portsmouth*.

Scot. 10 Ed. 3.  
m. 2.

A Writ to the Major of *Winchester*, to cause the Ships appointed for that Town to be furnished with Men at Arms and Victuals, and other necessities, for 13 Weeks.

Scot. 10 Ed. 3.  
m. 16.

A Writ to the Admiral of the Fleet from the mouth of *Thames* unto the West Parts, to keep upon the Seas the Ships of the Cinque Ports, and other Ships arrested to defend the Kingdom against any attempt of Invasion.

The like Writ was then to the Admiral of the Fleet from the mouth of the *Thames* unto the North parts, with like Command to hold the Ships together upon the Sea.

Scot. 10 Ed. 3.  
m. 16.

A Writ commanding the Ships of the Ports of *Ireland* to be sent hither to guard the Seashere.

10 Ed. 3. m. 12

A Writ to the Bailiffs of *Yarmouth*, to cause the men of that Town to contribute to the charges of the Ships, and Men, and Victuals sent from thence for the defence of that Kingdom.

Scot. 10 Ed. 3.  
m. 22.

A Writ to all the Liberties and Men of *South-Wales*, to have one Ship riding upon the Seas for the defence of those parts.

Ibid.

Scot. 10 Ed. 3.  
m. 21.

The like unto the men of *North-Wales*.

A Writ to the Arrayers of men for the County of *Berks*, to compel them of that County assigned and asselled for the keeping of the Sea-coasts in the County of *Southt.* to go to *Portsmouth* by a day therein appointed.

Alm. 12 Ed. 3.  
m. 12.

A Commission, reciting that the King had appointed all the Ships from the mouth of the *Thames* Northward to be arrested, and to cause them to be furnished with Munition, Men, and Victuals, and to be brought to *Yarmouth*; and that the men of *Lin* refused to contribute to the expences of the charge of the men sent in the Ship from that Town, and the furnishing of that Ship; and therefore commanded the Commissioners therein named, to assels them that refuse so to contribute, and to distrain them for it.

Alm. 12 Ed. 3.  
m. 13.

The like to compel the men of *Bardsey*, to contribute for the expences of the Men of that Town.

Clau. 12 Ed. 3.  
m. 18.

The like to compel the Men of *Surrey* and *Suffex*, to contribute to the expences of the Men of those Counties, that attended for the guarding of the Sea-coasts there.

12 Ed. 3. m. 8.

A Writ to all Archbishops, Bishops, &c. and to the Sheriff of *Kent*, and to the Barons of the Cinque Ports, and all others in that County, commanding them to be assisting to *J. de Cobham*, to whom the Custody of the Seas in those parts is committed, and to defend those Coasts against Foreign Invasion.

Alm. 12 Ed. 3.  
m. 1.

A Writ to the Major of *London*, reciting the danger of Invasion, &c. commanding to shut up the Gates towards the Water, if the Enemies approach.



A Writ to the Bayliffs of *Yarmouth*, reciting by his Writ he had commanded four Ships of War of that Town to be made ready with Men, Munition, and victuals for three months, at the charges of the Town, to be brought to *Oremell*, and that they failed to come at their day, to the great peril of the Land; therefore commandeth the Bayliffs to compel them at another day therein prefixed to be at the same place. There it is set down that the like Writs were awarded to the Bayliffs of seventeen other Towns, for the sending their Ships, being charged some for one Ship, and some for two Ships.

Alm. 13 Ed. 3.  
m. 12.

A *Superfedeas* for the Abbot of *Gnaverra* to find a Ship as he was appointed, because he found divers men at Arms in the Isle of *Wight*.

Claus. 1 Ed. 3.  
m. 35.

A *Superfedeas* for the Abbot of *Ramsay* for being charged with Arms for the guarding of the Coasts of *Norfolk* for his Lands in *Norfolk*, because he was by command attending with all his forces in the County of *Huntington*, for the safety of those parts.

Claus. 13 Ed. 3.  
m. 11.

A Writ of *Superfedeas* to the arrayers of Arms in the County of *Oxon*, to discharge *John Mandit* to serve there, because he attended in *Wilt*.

Claus. 3 Ed. 3.  
m. 14.

A Writ, &c. to the Arrayers of Arms in the County of *Wilt*, which is only concerning the payment of Souldiers Wages, who attended to guard the Sea-coasts.

Claus. 13 Ed. 3.  
m. 14.

These being all the Records shewed, it appeareth that there were no Writs issuing out in those times to any Sheriffs of Inland Counties, or Maritime Counties, to make or prepare Ships for any occasion whatsoever, but only to Maritime Towns, to send their Ships, or to prepare Ships at their own charges.

The Records since 14 Ed. III. shewed me, do not shew any Writs to be awarded to any Maritime Towns, to prepare Ships at the charge of the Towns.

But those Records of 1 *Rich. II.* and 1 *Hen. IV.*, which I have before answered, and the Records since that time shewed unto me (except such as I have formerly mentioned in my Argument) are these:

A Commission to *Nicholas de Cartlake*, to array men to resist the Scots.

Scot. 20 Ed. 3.  
m. 14.

A Writ to the Mayor of *York*, to array all their men to be ready when they shall be required.

Ibid.

A Commission concerning arrays of men in the Counties of *Derby* and *Nottingham*, and to punish such as came not when they were appointed.

20 Ed. 3. m. 15.

A Writ to the arrayers of men in the County of *Southampton* to discharge the Abbot of *Bettaile* to find Arms for the Sea-coasts there.

Rot. Franc.  
21 E. 3. m. 31.

A Commission to *John de Bodingham* for the custody of the Ports and Maritime parts in *Cornwal*, and to array all the men to be in a readines.

Franc. 25 E. 3.  
m. 20.

Note, all these Records are only for arrays of mens, and none for preparing Ships:

Nota.

There it is set down, that the like Commissions are to others in several Counties.

A Commission to the Earl of *Huntington*, to have the custody of the Ports in *Kent*, and to array men, and to set up Beacons, &c. which is the first I observe in that kind.

Franc. 26 Ed. 3.  
m. 5.

The like Commissions were then to several other persons, to array men in several Counties, as *Warwick*, *Oxon*, *Berks*, *Bucks*, &c.

Franc. 46 E. 3.  
m. 34.

A Writ to the Archbishop of *Canterbury*, reciting the danger of invasion by the French to hurt the Church and Kingdom, to array all his Clergy in his Diocels, &c. to be ready to go with the Kings Forces to defend, &c.

The like Writs to all other Bishops in the Kingdom.

Franc. 50 E. 3.  
m. 47.

A Writ to the Arrayers of Men in the County of *Norfolk*, and to the Sheriff of *Norfolk*, commanding them to command all great men and others, that had Mansions upon or near the Sea-coasts, to resort with all their Families for defence of those Coasts.

The like to the Arrayers, and to the Sheriffs of ten other Maritime Counties.

Scot. 29 E. 3.  
m. 13.

A Commission to the Bishop of *Durham* and others, to array men in *Durham*, *Cumberland*, and *Northumberland*, to resist the Scots.

Franc. 40. E. 3.  
m. 31.

A Writ to *William Hench* and others, to remove with all their Families to their houses upon the Sea-coasts.

### *In the time of Richard the Second.*

1 R. 2. m. 7.

A Writ to the Bayliff of *Scardeburch*, because the Town was upon the Coasts of the Sea, and in danger by invasion, carefully to look to the custody thereof &c.

Ead. Rot. m. 12.

A Writ to the Mayor and Bayliffs of *Oxon*. to repair the Walls of the Town, and to compel those that had Lands there to contribute to the expences thereof.

This Record hath been much urged by Master Sollicitor and Master Attorney, that if the King have such a power to command the Walls of a Town to be repaired, much more to command Ships to be made, which are the Walls of the Sea, and consequently the Walls of the Kingdom. But this is clearly answered, for that it is but a private charge of a private Town, and that had been formerly so walled, and for defence and safety of the Town, and none charged but those that have benefit thereby, and so proveth nothing to the Case in question.

Ead. Rot. m. 42.

One Writ to the Sheriff of *Kent*, and another to the Sheriff of *Essex*, commanding an Ordinance made, &c. by the King and his Council, for setting up of Beacons, and keeping watch about them.

Scot. 7 R. 2.  
m. 8.

A Writ to the Archbishop of *Canterbury* to command all his Clergy between sixteen and sixty to be arrayed and put in Arms, both Horse and Foot, according to their qualities, to be ready to defend the Kingdom.

Franc. 11 R. 2.  
m. 13.

A Writ to a Serjeant at Arms, to array all Ships of War in the Ports of *Plimouth* and *Dartmouth*, and other parts in the County of *Cornwal*, and to bring them to *Hanks Hook* to go with the Kings Majesties Ships.

In the same Roll are divers other Writs to divers other Serjeants at Arms, to arrest the Ships in divers other Ports.

Scot. 21 R. 2.  
m. 3.

A Commission to the Duke *Albernale*, to array men in the West Marches towards *Scotland* to resist the Scots.

Rot. Fine.

114 m. 11.

A Writ to the Sheriff of *Derby* and *Nottingham*, reciting that the King certainly understood, that the Scots intended with a great Power to invade the Kingdom, commandeth him to proclaim in all parts of his Counties, that all men between sixteen and sixty should put themselves in Arms competent, according to their degrees, to be ready upon two days warning to defend the Kingdom.

The



The like Writts were then directed to the Sheriffs of *Devon. Dorset. York.* and *Lancaster.*

A Writ to the Archbishop of *Canterbury*, reciting *Satis informati esse qualiter inimici nostri Franc. & alii sibi adherentes, cum magna dispendio, cum magna multitudine armator super mare congregati, directis viis per Costeram regni nostri invadere, & nos & regnum nostrum d. j. ranc, & Ecclesiam Anglicanam subvertere intendunt & preponunt:* Thereupon commandeth, that the Clergy in that Diocess be arrayed and armed, and to be ready at the Kings command to go against the Enemy.

The like Writts were then awarded to every Bishop in *England.*

A Commission to *Thomas de Morley* and others, and to the Sheriffs of *Norfolk* and *Suffolk*, and to the Bayliffs of great *Yarmouth*, reciting, *Quod cum inimici Franc. Britan. Scot. & alii sibi adherentes, inter se obligat. magna armat. super mare in estate proxim. futur. ordinaverunt & intendunt regnum invadere, &c.* commandeth to survey that Town of *Yarmouth*, and to fortifie it.

Note here also, notwithstanding such great danger mentioned, and such distance of time, yet that no Writts issued to any Counties to prepare Ships.

A Commission to array all men at Arms in the West-Riding in *Yorkshire*, to be ready to defend those parts,

The like Commissions to others in nineteen several Counties.

Commissions for arraying men for defence of the Kingdom, if invasion shall be, and for repressing of Rebels.

Commissions unto *George Duke of Clarence* and others, to array men for defence.

A Commission to *John Lord Howard*, to be Captain of all the Forces.

A Commission to *Marquess Mountagne*, to array and put in Arms all men beyond *Trent.*

A Commission to *Richard Fitz-Hugh*, &c. and to the Sheriff of *Yorkshire*, to array and cause to be armed all able persons, Abbots, and others, to be ready to defend the Kingdom.

A Writ to the Sheriff of *Norfolk* and *Suffolk* to proclaim in all parts of those Counties, for that there was like to be open Wars between *Charles of France*, and the King of *Romans*, and great Navies are prepared of either side, commandeth that watch and ward be kept, and Beacons kept, to give warning that every man be ready, if need be, to come and defend the Kingdom.

A Writ to the Sheriff of *Kent*, commanding him to proclaim in his County that the King be certainly informed, that the French King hath prepared and put in readiness a great and strong Navy, furnished with Men of War, to invade this his Kingdom; therefore commandeth all men, between the Age of sixteen and sixty to put themselves in Arms, and to be ready to defend the Kingdom at an hours warning.

Commissioners went to take view of all the Horses of *England* for service, and to survey all the Arms, and to have them all put in readiness, as necessity should require.

Now it appeareth upon view and examination of all these Records, most of them being cited by Master Solicitor and Master Attorney in their several Arguments, that there are none to prove the sending of any such Writts to Inland or Maritime Counties to prepare such Ships, although there hath been many times great danger; nor yet any Writts to Maritime

Towns

Note, that al-  
the  
men  
and  
County  
Ships.

Part 2. m. 12

Part 2. m. 57.

Part 13 H. 6.

m. 10.

Part 2. H. 6. m.

Part 9 H. 6.

m. 12.

Part 3. H. 6.

m. 1.

Part 10 Ed. 4.

m. 12.

Part 1. Ed. 4.

m. 12.

Part 4. H. 6.

m. 22.

Part 1 H. 7.

parts

1 H. 7. parts 3.

4 H. 8 parts 2.

11 Ed. 7.

Towns after the Statute of 14 *Edm.* III. to charge them to find any Ships at their charges : So then I conclude this point, that I conceive this Writ is not warranted by any former President.

Now I come to examine the points of this Writ, whether the same be legal, and warranted by any former Presidents, and I conceive it is not :

1. First, The motives mentioned in the Writ are, *Quia datum est nobis intelligi*, which is no certain information, *quod quidam prædones & maris grassatores*, did take the Kings Subjects, Merchants, and others, and carried them into miserable captivity.

2. *Cumque ipsos conspiciamus navigium indies præparantes ad mercator' nostros molestand', & regnum nostrum gravand'.* All these and those following I conceive are not sufficient motives, and were never in any President before to have a Royal Navy prepared, for the former Presidents are, that great Princes in open times of hostility had provided great Navies with Munition and Souldiers, with intent to invade the Kingdom, as appeareth by the former Presidents : And against such Provision it was necessary to provide a Royal Navy, the Kings Ships, and all the Ships of the Kingdom to be gathered to withstand them ; but to make such preparation against Pirates, it was never put in any Writ before : For when Pirates infested the Seas, they came as it were by stealth to rob and to do mischief, and they never dare appear, but when they may do mischief, and escape away by their lightness ; but against them the usual course hath been, that the Admiral or his Deputy with some few Ships have scoured the Coasts, and not to imploy a whole Navy, and this appeareth by the Record of 25 *Edm.* I. *m.* 9. where *William Leybourn*, the Admiral, was appointed upon such an occasion with ten Ships to lie upon the Seas ; and the usual practice hath been, when they hover upon the Seas, by sending a few Ships of War to scatter them, and to make them absolutely to flee away : And there is no doubt of loss of the Dominion of the Seas by any Act that Pirates can do, neither convenient that every County of the Kingdom should prepare Ships against them.

2. The command of this Writ to provide a Ship of 450 Tuns at the charges of the County, furnished with Masters and Mariners, which is impossible for them to do for the reasons before alleaged ; and therefore is illegal, and not warranted by former President.

The command of the Writ to find Wages for the Souldiers for twenty six weeks after they come to *Portsmouth*, when they are out of their Counties, and in the Kings service, is illegal, being against the course of Presidents in divers times, and against divers express Statutes : And this appeareth by divers Records, 15 *Joh.* In the Writs of Summons of the Tenants by Knights Service, it is expressly mentioned, that after their forty days Service ( for so many days they were to do Service by their Tenures ) they should be satisfied *ad denarios Regis*.

*Pasch.* 26 *Edm.* I. amongst the Writs of the Exchequer it is there set down, that the Footmen of *Cheeshire*, being 1000. which were appointed to go to the defence of the Borders upon *Scotland*, would not stir out of the County without their Wages ; and there is set down, that one therein named was sent down with money to pay the said Footmen.

*Mich.* 26 *Edm.* I. *Inter Brevia irretornab.* in the Exchequer, by reason of the invasion of the *Scots*, many thousands of Souldiers were taken from divers parts of the Kingdom, *ad radia Regis*, and there mentioned, that Clerks were sent down with money to pay the Souldiers of several Counties their Wages.



In the Exchequer in accompt the Wages of Land-Souldiers for several Counties, and the Wages of Mariners, are set down what the Wages that was paid came to by day both by Sea and Land.

30 Edw. 1.

*Inter Brevia* in the Exchequer, the Wardens of the Marches of Scotland signified unto the Barons, that the men of Cumberland and Westmerland, appointed for the defence of the Marches, would not stir out of their Counties without Wages. whereupon order was given for Wages for them.

Trin. 31. E. 1.

Commissions went out to pay the Souldiers, which served out of several Counties for defence against Scotland.

19 Edw. 2.

In the Exchequer it was ordered in Parliament, that where some Souldiers had received of some of the Kings Officers moneys for their Wages, were faine to give bond for repayment, that those bonds should all be redelivered.

Mil. 2. Ed 3.  
Rot. 16.

But to clear all doubts, the expresse Statute of 18 Ed. III. cap. 7. is, That men of Arms, Hoblers, and Archers, chosen to go in the Kings Service out of England, shall be at the Kings Wages from the time they go out of their Counties where they were chosen, until the time they come home again.

Those that had any grant of Lands from the King, and those that had any Offices of the grant of the King, are to serve the King in his Wars, but in both it is appointed, they shall have Wages from the time they come from their houses, until they shall return.

19 H. 7. cap. 1.  
11 H. 7. cap. 1.

It is enacted, That no Captain receiving Souldiers serving by Sea or by Land, shall receive any Wages for more Souldiers, or more time than they serve, and shall enter the days of their entring into Wages upon pain, &c.

2 & 3 E. 6. c. 2.

All which Records and Statutes do prove, that the Souldiers should be at the Kings Wages; therefore the command for Souldiers Wages for twenty six Weeks when they go from Portsmouth, is illegal, and expressly against the said Statutes: and so the Assessment being entire, as well for the Wages as the other charges, I hold to be clearly illegal, and not to be demanded.

4. That the command of this Writ to the Sheriff to assess men at his own discretion, is not legal, nor warranted by the Presidents; for the Presidents are commonly that assessments for contribution for making or setting out of Ships, have been by Commissioners, which by presumption had knowledge of such matters as commonly Sheriffs have not. Also this leaveth to the Sheriff too great a power to value mens estates, as to inhaunce whom he will, and to favour whom he will.

5. That the power to the Sheriffs and Mayors of Towns, &c. to imprison, especially as it is used for non-pament of money, is illegal, and expressly against divers Statutes; for it is provided by *Magna Charta*, c. 29. *Quod nullus capiatur vel imprisonetur, nec super eum ibimus nisi per judicium Parium suor' vel per legem terra.*

Also in 5 Ed. III. cap. 9. that none shall be attached, or his goods seized contrary to the form of the great Charter.

Also by the Statute made Mich. 37. Edw. III. cap. 18. it is recited, that by that great Charter none should be taken or imprisoned but by due Process of Law, yet by colour of this Writ the Sheriff may imprison any person, yea, any Peer of the Realm; for although Peers are not to be arrested upon ordinary Process between party and party, as it was resolved in the Countess of Rutlands Case, in Coke l. 6. fol. 32. yet for a contempt,

and upon Process of contempt, which is always for the King, any Peer may be imprisoned, as it is resolved by all the Lords and all the Judges in the *Star-chamber* in the Earl of *Lincolns* Case: And so the Sheriff by colour of this Writ may arrest any Peer, as for a contempt in not paying; but by the Book case, 2 *Ed. III. fol. 2.* it is resolved, that a Writ to imprison one upon suggestion before he be indicted, and without due Process of Law, was illegal; so for the case I hold this Writ to be illegal.

6. The last Clause of this Writ is, That by colour of this Writ more should not be gathered than will be sufficient for the necessary expences of the premises; and that none that levy any money towards these contributions, shall detain the same with them, or employ the same to other uses: And that if more than did suffice were collected, it should be paid amongst those that paid after a rateable proportion. These are reasonable Clauses; but as the course is taken, it is not to be performed: For no Ship, nor Tackling, nor Munition, nor Men, nor Wages, nor Victuals being provided, it is not to be known whether more be gathered or less than would suffice; and there being money gathered, it is of necessity either detained with the Collector or Sheriff, or employed to other uses than are appointed by the Writ, so the Writ is not performed; and the money assessed and collected is not duly made nor collected, and the money assessed and unpaid, cannot be duly demanded.

7. Admitting that the Writ were legal, and the Commands therein legal, yet the Assessment, as it is certified, is not sufficient to charge the Defendant; for it is not certified that any Ship with Munition and Men, and Wages for Men, and Victuals, were prepared, and this is a year after the time that it should have been prepared and sent to *Portsmouth*; and if it were not prepared, there is no cause to charge the Defendant: And that not appearing to be done, it shall be conceived not to be done; for if a man be charged with money in consideration of a thing to be done before a certain time, if the thing be not performed according to the time, none can be charged for not being contributory to it after the time is past; for it is in nature of a condition precedent, to have a duty or sum of money to be paid after the condition performed, and there he that will have the duty, must shew that the condition is performed: This appeareth in the Case of 15 *H. VII. 1. & Coke l. 7. fol. 9. Ughtres* Case. And if the Ship be not prepared according to the Writ, nor money employed for preparing a Ship, for and in the name of the County, then every one that paid any money, either voluntarily, as in obedience to the Writ, or compulsorily upon distress, may demand their money again of the Sheriff, or of them that received it; for as they paid their money, so it must be disposed of, and cannot be disposed of otherwise by any command whatsoever, although it be under the Great Seal; for the command being under the Great Seal to prepare and furnish a Ship to such purpose as in the Writ is mentioned, and they paying it to that purpose, it cannot be otherwise disposed, although it be more for their advantage: For private men having interest therein, that cannot be taken from them, nor dispensed withal; therefore in *Coke, lib. 7. fol. 27.* in the case of Penal Laws it is resolved, That if the Penalty appointed to be forfeited upon a Penal Statute be given to the poor of the Parish where the offence is committed, the King cannot dispence with the Penalty for that offence, because the poor have an interest therein; but if the Penalty be given, part to the King, and part to the poor, the King may dispence with his own part, but not with the part of the poor.

And



Object.

Solut.

And where it is said, that this is by way of accommodation, because the Country cannot well know how to provide to content, and perhaps with more charge. To this is answered, they must do it at their peril, if the Writ be legal, and then if it be done, they shall have the benefit thereof; for as my Brother *Weston* and my Brother *Berkley* have both agreed, if the Ship were made when the Service is done, the County for which it was made shall have the benefit of the Ship and the Munition, and of the service of the Men, being made more expert against another time, and the Ship may with some easie charge serve again, and nothing lost but the expences of the Victuals, and the Kingdom shall be so much the more strengthened by having so many Ships made or prepared; and they may have account of their money how it was bestowed, and if any surpluse be gathered, to have it restored; And that the Law is so, that if money be received of the County, and not imployed accordingly, the party so receiving it is accountable to pay a Fine for the same to the King, and to the County for the Money, appeareth by two Records, the one in *Hill. 16 Ed. III. rot. 23.* in the Kings Bench, where two Souldiers were indicted, for that they 8 *Ed. III.* taking three pounds apiece towards their armour, and to the bringing them to the place where they were appointed to serve the King in *England* in Wars, went not, but tarried still in their houses, and retained the Armour and the Money they had received for that purpose: They thereupon being convented, pleaded not guilty; and the one was found to go in service according to the appointment, so he was discharged: And the other was found that he received the Money, and went not to do the service, nor restored the Arms nor Money; thereupon he was committed to the Prison, and paid to the King a Fine, and found Sureties to pay the Money to the Hundred again, from whom he had received it.

The other was *Hill. 20 Ed. III. rot. 57.* in the Kings Bench, where two High Constables were indicted for that they 8 *Ed. III.* had received six Marks of the Towns in their Hundreds to set forth Souldiers and had not set them forth, but retained the Money, which they denying, it was found that they had received the money for that purpose, and disbursed 41 s. 6 d. thereof towards the setting forth of Souldiers, but had retained 38 s. 6 d. and not disbursed it; thereupon they were fined and imprisoned, and after enlarged upon Sureties to pay the Money they had retained undisbursed at the next time when the King commanded Souldiers for those parts; By both which Records, being for offences done so long before, it appeareth that those that have received Money of the Country to prepare Ships, they are answerable unto the King or his Successors to pay a Fine for their imployment of it otherwise, and are chargeable to those of the County of whom they received it, for repayment thereof.

8. For the last point I conceive, that this *Certiorari* directed to the two that were late Sheriffs at the time of the Assesment, and not to the Sheriff that was at the time of the *Certiorari* awarded; who is the only and immediate Officer to return the Writs, is not legal; for it is the first that hath been seen of that kind, For all Writs are directed to some immediate Sheriff, requiring him to demand of the former Sheriffs what they did upon the former Writ, and they are to return to him what hath been done, and he to return the same to the Court, whereunto he is the immediate Officer, and the former are not any Officers.

So the *Scire fac.* thereupon grounded I conceive is not good, also the *Scire fac.* to warn Mr. *Hampden ad ostend' si quid pro se habeat*, &c.

*quare de prædict. viginti solid. onerare non debet*, not shewing to whom, is uncertain and insufficient.

Thereupon I conclude upon the whole matter, That no judgment can be given to charge the Defendant.

*Judgment was given against M. Hampden by the greater part of the Judges : And when the Judges had delivered their Opinions, the Barons gave Judgment Quod oneretur, &c.*

*Afterwards in this present Parliament begun at Westminster, 3. Novembris, Anno Dom. 1640. the Commons took into their considerations the extrajudicial Opinions of the Judges, the Ship-writs, and this Judgment against Mr. Hampden ; and being read openly in the House, after long debate, Die Lunæ, septimo die Decemb. 1640. these four several Votes passed upon them, without so much as one Negative Voice to any of them, (viz.)*

1. **T**hat the charge imposed upon the Subjects for the providing and furnishing of Ships, and the Assessments for raising of money for that purpose, commonly called *Ship-money*, are against the Laws of the Realm, the Subjects right of Property, and contrary to former resolutions in Parliament, and to the Petition of Right.

2. That the extrajudicial Opinions of the Judges, published in the *Star-chamber*, and inrolled in the Courts at *Westminster*, *in hæc verba*.

## The CASE.

*Charles Rex.*

**W**hen the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King by Writ under the Great Seal of England command all the Subjects in this Kingdom at their charge to provide and furnish such number of Ships, with Men, Victual, and Munition, and for such a time as he shall think fit, for the defence and safeguard of the Kingdom from such danger and peril, and by Law compel the doing thereof, in case of refusal or refractoriness ; And whether in such case is not the King the sole judg both of the danger, and when and how the same is to be prevented and avoided ?

C. R.

Their



## Their Opinions.

**M**AY it please your most Excellent Majesty, We have, according to your Majesties command, severally, and every man by himself, and all of us together, taken into serious consideration the Case and Questions signed by your Majesty, and inclosed in your Letter: And we are of opinion, that when the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, your Majesty may by Writ under the Great Seal of England command all the Subjects of this your Kingdom, at their charge to provide and furnish such number of Ships, with Men, Victual, and Munition, and for such time as your Majesty shall think fit for the defence and safeguard of the Kingdom from such danger and peril; and that by Law your Majesty may compel the doing thereof in case of refusal or refractoriness. And we are also of opinion, that in such case your Majesty is the sole Judge both of the danger, and when and how the same is to be prevented and avoided.

In the whole, and in every part of them are against the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Resolutions in Parliament, and to the Petition of Right.

3. That the Writ following *in hæc verba, viz.*

**C**HARLES by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our Right Trusty and Well-beloved Counsellors, Thomas Lord Coventry, Keeper of our Great Seal of England, Greeting. These are to will and require you, that for the safeguard of the Seas, and defence of the Realm you issue forth, or cause to be issued forth of our High Court of Chancery these ensuing Writs in the Form following, with Duplicates of them, under our Great Seal of England, unto the Countie, Cities, Towns, and places hereafter ensuing, and so doing this shall be your Warrant.

*Memorandum  
quod xxvij. die  
Feb. 1640. an.  
reg. Dom. Pegis  
Car. 16. istud  
innot. & omnia  
& sing. in eod.  
contenta & ex-  
press. vacant. per  
judic. Dom. spi-  
rit. & temp. in  
Cur. Parl. Per  
Jo. Brown Cler.  
Parl.*

**R**Ex, &c. Vic. Com. nostri Buck. Ballivis & Burgensibus Burgi & paroch. de Buckingham: Majori, Ballivis, & Burgensibus Burgi de Chepping Wicombe, alias Wicombe: Ballivis, Aldermannis, & Burgensibus Burgi de Aylesbury, ac probis hominibus in eisdem Burgis & parochiis, & membris eorundem, & in Villis de Agmondisham, Wendover, & Marlowe magna, ac in omnibus aliis Villis, Burgis, Villat. Hamlet. & aliis locis in dicto Com. Buck. salutem. Quia datum est nobis intelligi, quod prædones quidam, Piratæ & maris Grassatores tam nominis Christiani hostes, Mahumetani, quam alii congregat. Naves & bona ac mercimonia non solum Subditorum nostrorum, verum etiam Subditorum Amicorum nostrorum in mari, quod per gentem Anglicanam ab olim defendi consuevit, nefariè deripientes & spoliantes ea, ad libitum suum deportavere, hominésque in eisdem in captivitatem miserrimam mancipantes. Cumque ipsos conspiciamus, Navigium indies praparantes ad Mercatres nostros ulterius molestand. & regnum gravand. nisi citius remedium apponatur, eorumque conatui virilius obvietur: consideratis etiam periculis quæ undique his guerrinis temporibus imminet, ita quod nobis & Subditis nostris defensionem maris & regni, omni festinatione qua poterimus accele-  
rare



rare convenit : Nos volentes defensionis regni, tuitioni maris, securitati Subditorum nostrorum saluæ conductioni Navium & Merchandizarum ad regnum nostrum Angliæ venientium. & de eodem regno ad partes externas transeuntium. (auxiliante Deo) providere; maxime cum nos & Progenitores nostri Reges Angliæ Domini maris prædicti. semper hæcenus extiterint, & plurimum nos tæderet, si honor istis regnis nostris temporibus depereat, aut in aliquo imminuatur. Cumque onus istud defensionis quod omnes tangit, per omnes debeat supportari, prout per legem & consuetudinem regni nostri fieri consueverit. Vobis præfat. Vicecom. Major. Ballivis, Aldermannis, Burgenſibus, probis hominibus, & omnibus aliis quibuscunque supramentionat. Villis, Burgis, Vill. Hamlet. & locis suprad. eorumque membris in fide & ligeantia quibus nobis tenemini, & sicut Nos & honorem nostrum diligitis, necnon sub foris facturum omniumque quæ vobis satisfacere poteritis firmiter injungend. Mandamus, quod unam Navem de guerra portagii quadringent & quinquagint. doliorem cum hominibus tam Magistris peritis quam Marinariis valentioribus & expertis, centum & octoginta ad minus, ac etiam tormentis tam majoribus quam minoribus pulvere tormentario ac hastis & telis, aliisque armatur. necessar. pro guerra sufficien. & cum duplici esquipamento, necnon cum Victual. usque ad primum diem Martii jam proximè sequentem ad tot. homines competent. & ab inde in viginti sex septimanas ad custagia vestra tam in victual. quam hominum salariis & aliis ad guerram necessariis per tempus illud super defensionem maris in obsequio nostro in Comit. custodis maris, cui custodiam maris ante prædictum primum diem Martii committimus, & prout ipse ex parte nostra dictaverit moratur præparari; Et ad portum de Portsmouth citra dictum primum diem Martii, duci faciatis. Ita quod sint ibidem eodem die ad ultimum ad proficiscendum exinde cum navibus nostris, & navibus aliorum fidelium Subditorum nostrorum pro tuitione maris & defensione vestrum & vestrorum, repulsionequæ, debellatione & quorumcunque quæ Mercatores nostros, & alios Subditos & fideles prædictos in Dominia nostra ex causa Mercaturæ se divertentes, vel abinde ad proprium declinantes super mare gravare, seu molestare satagent : Assignavimus autem vos præfat. Vicecom. com. nostri Buck. Majores & Ballivos Villarum & Burgorum prædict. aut aliquos sex vel plures vestrum, quorum te præfat. Vic. Com. nostri Buck. unum esse volumus, infra triginta dies post receptionem hujus Brevis ad assidendum quantum de custagiis prædict. super prædict. Burg. & paroch. de Buckingham ac prædict. Burg de Chepping Wicombe, alias Wicombe, & præd. Burgi de Aylesbury, cum membris eorundem, & Vill. de Agmondisham, Wendover, & Marlowe magna, cum membr. eorundem, separatim poni aut assideri debeat. Et si hujusmodi Assisamenta infra præd. triginta dies per vos sex vel plures vestrum fieri non contigerint, tunc assignavimus te præfat. Vic. Com. nostri Buck. ad assidendum hujusmodi super præd. Vill. & Burgo & membr. eorundem faciendum prout rationabiliter videris faciendum. Et volumus quod de toto facto tuo tu præfat. Vic. Buck. sub sigillo tuo præd. Major. & Ballivos reddas certiores. Assignavimus etiam vos præfat. Ballivos & Burgenſes Burgi & paroch. de Buckingham ad assidendum omnes homines in præd. Burgo & paroch. & membris eorundem, & terr. tenen. in eisdem (Navem vel partem Navis præd. non habentes, vel in eadem non deservientes) ad contribuendum expens. circa provisionem præmissorum necessar. & super præd. Burg. & paroch. cum membr. eorundem sic ut præfertur assidendum & ponendum viz. quolibet eorum juxta statum suum & facultates suas & portiones super ipsos assisas per districtiones aliove modos debet. levandum. Et Collectores in hac parte nominandum & constituendum & omnes eos quos rebelles & contrarios invenitis in præmissis, carceri mancipandum. in eod. moratur. quousque pro eorum deliberatione ulterius duxerimus



duxerimus ordinand. Assignavimus etiam te præfat. Majorem Villæ & Burgi de Chepping Wicombe ad assidend. omnes homines in præd. Vill. & Burg. & membr. ejusdem, & terr. tenen. in eisdem Navem vel partem Navis non habentes, vel in eadem non deservientes ad contribuend. expensis circa provisionem præmissor. necessar. Et super præd. Burgum cum membr. ejusdem sic ut præfertur assidend. & ponend. videl. quemlibet eorum juxta statum suum & facultates suas & portiones super ipsos assessus per distractiones aliosve modos debitos levand. Et Collectores in hac parte nominand. & constituend. & omnes eos quos rebelles & contrarios inveneris in præmissis, carceri mancipand. in eod. moratur. quousque pro eorum deliberatione ulterius duxerimus ordinand. Assignavimus etiam vos præfat. Ballivos, Aldermannos, & Burghenses, Burgi de Aylesbury præd. ad assidend. omnes homines in eodem Burgo & membr. ejusdem & terr. tenen. in eisdem (Navem vel partem Navis præd. non habentes, vel in eadem non deservientes) ad contribuend. expensis circa provisionem præmissorum necessar. & super prædict. Burgum & membr. ejusdem sic ut præfertur assidend. & ponend. videl. quemlibet eorum juxta statum suum & facultates suas & portiones super ipsos assessus per distractiones aliosve modos debitos levand. Et Collectores in hac parte nominand. & constituend. & omnes eos quos rebelles & contrarios inveneritis in præmissis, carceri mancipand. in eod. moratur. quousque pro eorum deliberatione ulterius duxerimus ordinand. Et ulterius assignavimus te præfat. Vic. Com. nostri Buck. ad assidend. omnes homines in præd. villis de Agmondisham, Wendover, & Marlowe magna, & in membr. eorundem, ac in omnibus aliis Villis, Burgis, Villat. Hamlet. & aliis locis in dicto Com. Buck. & terr. tenen. in eisdem (Navem vel partem Navis præd. non habentes, vel in eadem non deservientes) ad contribuend. expensis circa provisionem præmissorum necessar. Et super præd. Villas, Burg. Vill. Hamlet. & locos, cum membr. eorundem, sic ut præfertur assidend. & ponend. videl. quemlibet eorum juxta statum suum, & facultates suas, & portiones super ipsos assessus per distractiones aliosve modos debitos levand. Et Collectores in hac parte nominand. & constituend. & omnes eos quos rebelles & contrarios inveneris in præmissis, carceri mancipand. in eod. moratur. quousque pro eorum deliberatione ulterius duxerimus ordinand. Et ulterius vobis mandamus quod circa præmissa diligent. intendatis, & ea faciatis, & exequamini cum effectu sub periculo incumb. Nolumus autem quod colere prædicti mandati nostri plus de eisdem hominibus levare fac. quam ad præmissa sufficiet expensis necessar. aut quod quisquam qui pecuniam de contributionibus ad præd. custag. faciend. levaverit, eam vel partem inde aliquam penes se detineat, vel ad alios usus quovis quasito colore appropriare præsumat, volentes quod si plus quam sufficiat collectum fuerit, hoc inter solventes pro rata portionis ipsis contingen. exsolvatur. T. &c.

Convenit cum Recordo & Exam.

Per me J O H. C A S S E.

And

And the other Writs, commonly called the Ship-writs, are against the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Resolutions in Parliament, and to the Petition of Right.

4. That the Judgment in the Exchequer in Mr. *Hampdens* Case, a Transcript whereof followeth *in hæc verba: (viz. Quod separalia brevia prædicta & retorna eorundem, ac schedul. prædict. eidem annexat. ac materia in eidem content. sufficien. in lege exist. ad præf. Joh. Hampden de prædictis viginti solidis super ipsum in forma & ex causa præd. assessis, onerand. Ideo consideratum est per eosdem Barones, quod præd. Johannes Hampden de eidem viginti solidis oneretur, & inde satisfaciatur.)* In the matter and substance thereof and in that it was conceived that Mr. *Hampden* was any way chargeable, is against the Laws of the Realm, the Right of Property, the Liberty of the Subjects, and contrary to former Resolutions in Parliament, and to the Petition of Right.

These Votes were afterwards transmitted by the House of Commons to the Lords, and delivered by Mr. *Saint-John* now his Majesties Solicitor General, at a Conference of both Houses of Parliament, held 16 Car. 1640.

*Die Mercur. 20. die Jan. 1640.*

It was Resolved by the Lords upon the Question,  
*Nemine contradicente :*

I. **T**hat the Ship-Writs, the extrajudicial Opinions of the Judges therein, both first and last, and the Judgment given in Mr. *Hampdens* Case, and the proceedings thereupon in the Exchequer Chamber, are all illegal, and contrary to the Laws and Statutes of this Realm, contrary to the Rights and Proprieties of the Subjects of this Realm, contrary to former Judgments in Parliaments, and contrary to the Petition of Right.

Likewise Resolved upon the Question,  
*Nemine contradicente :*

II. **T**hat the extrajudicial Opinions enrolled in the Exchequer Chamber, and in other Courts concerning Ship-money, and all the proceedings thereupon are illegal in part and in whole, and contrary to the Laws and Statutes of this Realm, and contrary to the Rights and Proprieties of the Subjects of this Realm, and contrary to former Judgments in Parliaments, and contrary to the Petition of Right.

*Die*



*Die Veneris, 26. die Februarii, 1640.*

**U**Pon the Report of the Right Honourable the Lords Commissioners appointed to consider of the way of Vacating of the Judgment in the Exchequer concerning Ship-money, It was Ordered by the Lords Spiritual and Temporal in the High Court of Parliament assembled, That the Lord Keeper, or the Master of the Rolls, the two Lord Chief Justices, and the Lord Chief Baron, and likewise the Chief Clerk of the Star-Chamber, shall bring into the Upper House of Parliament the Record in the Exchequer of the Judgment in *Mr. Hampdens Case* concerning Ship-money; and also the several Rolls in each several Court of Kings Bench, Common-Pleas, Exchequer, Star-Chamber, and Chancery, wherein the Judges extrajudicial Opinions in the Cases made touching Ship-money be entered, and that a *Vacat* shall be made in the Upper House of Parliament of the said several Records. And likewise the Judgment of Parliament touching the illegality of the said Judgments in the Exchequer, and the proceedings thereupon, and touching the illegality of the extrajudicial Opinions of the Judges in the said several Courts concerning Ship-money, be annexed and apostilled unto the same: And that a Copy of the Judgment of the Parliament concerning the illegality of the said Judgment in the Exchequer, and the said extrajudicial Opinions of the said Judges concerning Shipmoney, be delivered to the several Judges of Assize; And that they be required to publish the same at the Assizes in each several County within their Circuits, and to take care that the same be entered and enrolled by the several Clerks of Assizes; And if any Entry be made by any *Custos Rotulorum*, or Clerk of Assize, of the said Judgment in the Exchequer, or of the said extrajudicial Opinions of the Judges, that several *Vacats* be made thereof, *per judicium in Parlamento*: And that an Act of Parliament be prepared against the said Judgment and extrajudicial Opinions, and against the Proceedings touching Ship-money.

*Memorandum quod Vicesimo septimo die Febr. 1640. Annoque regni Regis Domini nostri Caroli Anglie decimo sexto:*

**V**Acatur istud Recordum & Judicium inde habitum per considerationem & judicium Dominorum Spiritualium & Temporalium in Curia Parliamenti. & in rotulamentum ejusdem cancellatur.

*Memorandum quod Vicesimo septimo die Feb. præd.*

**I**stud Irrotul. & omnia & singula in eodem contenta & expressa vacantur per judicium Dominorum Spiritualium & Temporalium in Curia Parliamentum.

And that all the Rolls be rased cross with a Pen, and subscribed with the Clerk of the Parliaments hand. All which was accordingly done in open Court.

After this it was Resolved upon the Question,  
*Nemine contradicente :*

**T**hat the Resolutions of the Judges touching the Shipping-money, and the Judgment given against Mr. *Hampden* in the Exchequer, and all the Proceedings thereupon, are against the Great Charter, and therefore void in Law.

Resolved upon the Question,  
*Nemine contradicente :*

**T**hat *Vacats* and Cancellations shall be made of the Resolutions of the Judges touching the Shipping-money ; and of the Enrolments thereof in the several Courts, and of the Warrants for Ship-Writs, and proceedings therein ; and the Judgment given against Mr. *Hampden*, and proceedings thereupon ; and that Entries be made of those *Vacats* upon the several Rolls, according to the Form read in the House.

*Eodem Die.*

**O**rdred that these Resolutions be added to the former Judgments of this House concerning Shipping-money, which the Judges are to publish at the Assizes in their several Counties, and to be Entered and Enrolled in the several Counties by the Clerk of the Assizes.

*The*



*The Certificate of Sir John Denham, Knight, one of the Barons of the Exchequer, concerning Ship-money, 26. Maii, Anno Dom. 1638.*

May it please your Lordships, I had provided my self to have made a short Argument, and to have delivered my Opinion, with the Reasons; but by reason of want of rest this last night, (my old Disease being upon me) my sickness and weakness are greatly increased, inso-much that I cannot attend the business as I desire. And if my Opinion be required, it is for the Plaintiff.

JO. DENHAM.

*Serjeants Inn in Fleetstreet*  
26. Maii, 1638.

*His second Certificate, directed to the Lord Chief Justice Bramston, 28. Maii, 1638.*

*My Lord,*

Understanding that some misconstruction was taken by some in the Declaration of mine Opinion, which I desired your Lordship the last Saturday to deliver in my name; for farther satisfaction therein, although I was most desirous to have passed my Vote in silence in this Work of weight, by reason I heard not the last four Arguments, yet I delivered my Opinion for the Plaintiff, which I took to be *Hampden*, by reason it appeared by the Record, that he coming in upon Process, *Quæritur se colore præmissorum graviter vexari, & hoc minus juste, &c.* which satisfied me that he was Plaintiff. And therefore I now declare my Opinion for Mr. *Hampden*, who did demur.

I shall onely deliver these two Reasons for maintaining of my Arguments.

The first is, That his Majesty is, *Sola & Suprema Justitia Regni*: And the Rule of the Law is, and hath always been, That his Majesty can do no wrong. And thereupon ariseth another Rule in our Law, (which I give for my second Reason) That the Kings Majesty (being of an incorporate capacity) can neither take any Lands or Goods from any of his Subjects, but by and upon a Judgment of Record, which according to our daily experience in the Exchequer, there must precede some Judgment in that or some other Court of Record, whereby his Majesty may be entituled either to the Lands or Goods of a Subject. As namely, where Seizure of Goods of a Subject is made for his Majesty, either upon Outlawries, Attainders, or matters of the like nature, as in Cases of Seisure in the Court of Exchequer, where Seisures are given by the Statute: yet without a Judgment in that Court, upon a Trial for the King, the Goods are not to be recovered to the use of the King, as forfeited.

Upon consideration whereof, and comparing the same with his Majesties Royal Writ, I find no Judgment thereupon had or given, which were the chiefest Reasons of my opinion for Mr. *Hampden*.

28. Maii, 1638.

*Sir John Finch Knight, Lord Chief Justice of the Common-Pleas, his Argument touching the Ship-money in the Exchequer Chamber, June 9. 1638.*

**A** Writ under the Great Seal of England, dated August 4. 11 Car. went to the Sheriff of Buckinghamshire (Sir Peter Temple) commanding that a Ship of 450 Tun and 180 Men, to be furnished with all Ammunition and Tackling at Portsmouth, for 26 Weeks, to go with other of his Majesties Ships, and of the Subject, to defend the Dominion of the Sea and Realm, being in danger; and for to assess all his Majesties Subjects, and all the Inhabitants within the said County: and all Occupiers, Tennants there, that have no part in a Ship, nor serve in the same, to contribute for and towards the preparation and setting forth of the Ship according to their abilities.

The Record of *Certiorar.* saith *Stoak Mandevile* is within the said County, and was assessed at a reasonable rate; and that the sum of 20 s. was assessed upon the Lands of *J. Hampden Esq;* as by a Schedule of March 9. 12 Car. annexed unto the *Certiorar.* may appear.

Whereupon a *Mittimus*, May 5. 13 Car. with the *Certiorar.* and Schedule was directed unto the Barons of the Exchequer to do there for the sum unpaid *prout de jure & per legem & consuetud. Reg. nostri fuer. faciend.*

A *Scire fac.* upon this went forth of the Exchequer to warn Mr. *Hampden* to shew cause why he should not pay the 20 s. upon the return of which Mr. *Hampden* appeared, and demanded Oyer of the Writ *Certiorar.* *Mittimus*, and *Scire fac.* and upon hearing of them read, he demurred, and Mr. Attorney joined, then my Lord Chief Baron, and the Court of Exchequer, and journeyed it to the Exchequer Chamber, desiring the advice of all his Majesties Judges, and look what advice we, or the greater number of us give, the Court ought and must give Judgment upon it accordingly.

In the debating of this Case, there have been great variety of Opinions amongst the Judges; a thing usual and frequent in all great Cases and Consultations, which shews commonly the difficulty of the thing, and argueth a candor and clearness in the Judges, between whom Combination and Conspiracy would be most odious. All that have gone before me, have in one thing agreed, that it is the greatest Cause that ever came in any of our memories, or memorial of our Predecessors.

As the Sun arising in the Horizon shews not the Figure so clear, as when it is beholden in the Meridian, so by mixing many impertinencies with the Case in Judgment. It hath been apprehended to be of a more tender consequence then indeed it is; yet tender and weighty it is, if equally weighed in one ballance, we may put the Regal power, or rather the Regality it self in the other, the Priviledges and Liberty of the Subject in his Person and Estate.

To look upon either of these, or both, through the multiplying glass of Affection, is to hold neither of them true; neither can they be so truly discerned, much less to multiply by the glass of Fancie, and therefore Justice need to hold the Beam strait.

I cannot fear my self, when Vulgar Censure hath executed it self upon every one that hath delivered himself in this matter, yet I will not say, *Domine posuisti me in lubrico loco*, for we that do sit here, do move in a

Sphere



Sphere, and should be like the *primum mobile*, according to whom all others are to steer their course, and Judges themselves must move steadily upon their right Poles, as I hope this Court will.

What Judge soever he be that is elevated by popular applause, or animated by the contrary to accumulate honour, is fitter rather to live *ſæce Romuli quam in policia Angliæ*.

Nor will I lose time, remembering the strickt Oath of a Judge, who should expell all the respects, and speak his conscience, I hope none of us forget the duty we owe to God and the King, and Commonwealth, and to our selves; I shall endeavour to satisfy my Conscience in all that that I shall say, and they forget their duty to the yrst, and humanity towards us, that say or think the contrary of any one of us, some of us have Fortunes and Posterities, and therein have given Hostages to the Commonwealth, and as much interest in this case as Mr. *Hampden*.

Those that want those blessings want those temptations that make them dream of (or hunt for) Honour, or Riches to perpetuate their Name and Families: To them nothing can be more precious than the balm of integrity, which will preserve their names and memories; It cannot be presumed but that we should speak our Consciences since we well know shortly (as the Psalmist says) *Corruption shall say, I am thy father, and the Worm, I am thy mother*.

In handling this case no man can think I shall do other than right herein; I am troubled rather for a method, than matter; rather how to dispose what I find, than find what to dispose; I shall endeavour shortly and clerally, (considering the time I have to spend, and the weightiness of the matter about which I am to speak) to deliver my opinion with the reasons of it, and my endeavour shall be rather to contract than omit,

I have, with the best care I could, taken my notes of all that hath been said for or against Mr. *Hampden*, and have, according to the measure of my understanding, weighed and pondered all that hath been spoken both at the Bar, and by my Brothers, and bestowed many hours in meditation about them, which the time of rest and repose might have challenged.

Before I enter into the Case, I shall speak of the steps and degrees by which this cause hath come to judgment, whereby it will clearly appear with what Clemency, Wisdom, Justice, and Goodness his Majesty hath proceeded in this business.

The first Writ went out to the Port Towns and Maritime parts of the Land the twentieth of *October*, 10 R. Car. upon advice taken between his Majesty and his Council, before then of those Writs I can say nothing, for I was commanded at that time to attend another service about another employment, the Forrest of *Deane*, but it is well known the resolution taken by his Majesty therein was grounded and relied upon the judgment and learning of Mr. *Noy*, Attorney General, a man of great Learning, and one that had great insight into Records, by whom the matter was first prepared, collected, and digested, and afterwards imparted to some of his Majesties learned Council, and afterwards to some other eminent persons of the Commonwealth of no less judgment and knowledge of the Laws of this Realm; and upon consultation with my Lord Chief Baron, and his Majesties Barons of the Exchequer, his Majesty commanded those Writs to be sent forth, against the legality of which nothing hath been truly alleaged; it is true, they are not in  
Judgment

Judgment properly before us, and if method did not press it, I should not have mentioned them.

1. *Octob.* 10. of his Majesties Reign his Majesty was pleased to command me to serve in the place that now I do, and those Records, Writs, Commissions, and other Presidents were brought to me, as they had been formerly to my Lord Chief Justice, and my Lord Chief Baron, and we there did confer together, and delivered our opinions in writing under our hands.

Upon view and diligent perusal of a multitude of ancient Records, and Writs, and other Presidents of *E. I.* *E. II.* and *E. III.* and other Records of other Kings Reigns; we delivered our opinions in these words, That the *Dominion of the Sea* belongeth to the King, and that he is sole Lord and Proprietor of the same; in which respect his Excellent Majesty these Regalities and Royal Powers is to defend against all Hostile Actions, Intrusions, and Invasions, as well the good of his Subjects as strangers, importing and exporting their Commodities; and for the defence of the Kingdom, and for the better performing whereof the Cinque Ports have been required to prepare such a certain number of Ships of divers Burdens, and Men of Arms, and at such times at their own charges from time to time as the same Writs and the present occasion required, and for the time and place, and residence of their attendance his Majesty was the sole Appointer and only Judge, and this was the constant use in the Reigns of those Kings, and this was agreeable to the Common Law of *England*,

15, *Novemb.* 1634. before the next Summer his Majesty finding the danger to grow general, and conceiving there was little reason that the Maritime parts should bear the whole charge. for that the whole Realm was interested therein; afterwards he required our opinions, *viz.* my Lord Chief Justice, my Lord Chief Baron, and my self, in *June* 1635. After conference together, we delivered our opinions, and upon consultation conceiving the reason of the Presidents before, and the rule of the Law and Reason requiring that when the whole Kingdom was in danger, the defence that concerned the whole Kingdom should be born by all the Subjects of the Kingdom: This was first verbally delivered to his Majesty, and afterwards we put it in writing under our hands in those words *prout*, &c. whereas the charge of defending the Sea had been imposed upon the Cinque Ports, so where the whole Kingdom is in danger, the whole charge ought to be maintained by all the Subjects of the Realm.

And amongst other Writs, this to the Sheriff of *Buckingham* went forth at the time aforesaid, after which his Majesty finding some question made of the legality of it, he called all his Judges, not single, or any one in a Corner, but because he would have every one of them truly informed, required them to advise together, and every one of them by themselves to give his opinion, according to which we severally, and every man by himself, and all of us together delivered our opinions under our hands in this manner, *viz.*

That when the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, of which your Majesty is the sole Judge, your Majesty may by writ under your Great Seal of *England* command all the Subjects of this your Kingdom at their charge to provide and furnish such a number of Ships with Men, Munition, and Victuals, and for such a time as your Majesty shall think fit, for the defence



defence and safety of the Kingdom from such danger and peril, and that by the Law your Majesty may compel the doing thereof, in case of refusal, which (the Clause *his Majesty was sole Judge of* was only put in by ten of us ) my Brother *Hutton*, having not seen nor weighed the Presidents, took time to advise, and gave no opinion at this Conference between us; and my Brother *Crook* had the same reason, being not acquainted with those Writs, but yet subscribed his opinion singly by himself, *December 1635. (viz.)*

That where the good and safety of the Kingdom is in danger, of which his Majesty is the sole Judge, his Majesty may command all his Subjects at their charge to provide and furnish such Ships at Sea with men and Munition as shall be necessary for the defence thereof, and this I hold to be agreeable to Law and Reason.

Though I received nothing of this his opinion in his Argument, yet he still holdeth it, wherein I observe :

1. That the King is the sole Judge of the danger, and whether it be imminent.

2. Not only that the King may in such danger command his Subjects to defend the Kingdom in case of necessity, but that the charge of the defence ought to be born by all the Realm in general, which opinion was more independent than the rest, for that our opinion before it had relation to the President of Maritime parts, but this was that the Subject might be charged absolutely ; and this was delivered by him readily and chearfully without hesitation, he will not deny it ; I speak not of this as of a thing whereby he ought to have been concluded, but that all the world should know that his Majesties Regal and Legal Power go hand in hand together, and that his Princely love and affection to his Subjects is such that he is willing to prevent all mistakes, and I speak it also to this end, that when Judges singly deliver their opinions to the King not examining the reasons that moved them unto it we ought to see very good and pregnant reason to vary from that opinion, though it be not binding.

This his Majesty required for his own private satisfaction, and this I dare boldly say was so delivered by us, that no one Judge knew the opinion of the rest.

When his Majesty found slackness in some of his Subjects in contributing towards this charge, and thinking that it proceeded rather from misunderstanding of the Law than from want of duty, as desirous of his Princely love to avoid all mistakes, did upon the second of *February, 1636.* send a Letter to all us his Majesties Judges and Barons of the Exchequer, thereby requiring our several opinions about which we all conferred, and the particulars, wherein our opinions were required, had been long thought upon, and considered of before, or else we were much to blame, for we had it time enough to think upon it ; and though our answer was returned the seventh of the same Month of *February,* yet we had it in our considerations from *June 1635.* fifteen Months before the answer before the answer returned, there was no surprize, I will spare to name our opinion then delivered, for it hath been repeated before, when we came to the debate and voting of this, we broke the Writs into several parts and questions, as,

First, When the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether it ought not to be defended at the charge of the whole Kingdom, and agreed it was *una voce nullo contradicente*, that it ought.

Secondly,

2. Whether the Charge of the Defence might not be commanded by the King; which was also agreed that it might.

3. Whether the King was not the sole Judge both of the danger, and when and how it was to be prevented, wherein my Brothers (*Hutton* and *Crook*) did agree it likewise, that he was sole Judge of the danger. While their Opinions are now, and wherein they differ, I shall with their good leaves, examine; and their Reasons and Differences (though indeed on the Kings being the sole Judge in their Arguments, my Brother *Crook* spoke nothing of his Opinion therein, nor my Brother *Hutton* nothing against it) but we delivered not our Opinions upon the (by,) nor was it so required by his Majesty. It was then also declared by all of us, that we delivered not our Opinions as binding Opinions; nor were they so required by his Majesty. Of all which, I dare boldly say, his Majesty was truly informed; and this was also soon after published at his command, and recorded by my L. Keeper and L. Privy Seal; the first of them using many Arguments and sound Collections, delivered it in charge of his Majesties Judges to deliver it in their Circuits, which might have satisfied any that respected not their own private benefit, and Mr *Hampd.* of all, I think, hath the least reason to complain, being assisted but 20 s. a contemptible sum, in respect of his annual Revenue, to bring this Case to Judgment. Yet his Majesties clemency appears to be great herein, in that he would not debar any to question the lawfulness of it, though he hath permitted *Arma Imperii*, nay, *Imperium ipsum*, I would to God I could not say, even too licentiously debated at this Bar. I speak it not by way of reprehension, but admonition to the Counsel who are to be commended in that they have done their duty faithfully for their Clients; yet I may say such a Ravel and diving into the Kings Revenue, and secret Estates of Princes and what succeeding Kings may be or do, it doth not well become these present Times: it would not have been endured in the best preceding Times.

It was not well done to doubt succeeding Posterity, that promise as much as any of their Predecessors have done before us for the good of the Common-wealth.

It was not well to clog the Cause with so many Presidents, impossible to be thoroughly observed; but our example (I hope) shall be a bar hereafter, and our care shall be to prevent it, being a great hindrance to the expedition of Justice, and causes of great expence to the Subjects long attendance about their Causes here, which may prove a greater charge than in providing Ships for defence of the Realm.

I come now to the Case as it stands in Judgment before us, wherein my Method shall be,

1. First to examine what the Case is.
2. Secondly, I wil give my Opinion of the Case, with the Reasons thereof.
3. I will answer the Objections made against it.
4. Fourthly, I will speak of the Form and Quality of the Writ 4. *Aug.* the *Certiorar*, the *Mittimus*, and the *Scire Fac.* out of the Exchequer, and to all these with what brevity I can, I will speak, according to the weight of the Case, where variety of Opinions give just cause to ballance them; the Case must rise out of the Record, and must stand or fall upon that.

1. First for the Case it self; and therein first I will shew what danger there is, that is, the Ground of the Charge.

2. What things there are to maintain it: As for other things they tend unto the destruction of the Case.

First, I am of Opinion that the danger of the whole Kingdom ought to



to be expressed clearly, for else the ground-work faileth; for if no danger, no reason for the charge, I am of opinion, that in the Writ 4. Aug. it ought to be expressed, and not in the *Mittimus*; though as my Brother Jones observed, the *Mittimus* comes time enough to Mr. Hampden to give him notice, yet he was not liable to the Charge, but by the Writ 4. Aug.

It is objected that the danger is not clearly expressed, for it is not upon words of certainty, but by way of incertainty, *quod datum est nobis intelligi*.

Secondly, For the Causes of the Writ, that it hath not relation to the danger of the Kingdom, but to defend the Sea-coasts against Pirats, &c. they are not worthy of a Royal Navy, as my Brother Crooke also observed.

But I hold first, that the danger is sufficiently expressed, *certum est sicut se res habet, datum nobis est intelligi*, a thing very ordinary with us, and in all former Writs *ex relatione*, &c. *Quod vulgaris opinio est*, &c.

Although my Lord Chief Baron parallel'd this to the Case of Patents, *Ex certa scientia* (which is nothing alike) for there before the King pals away Land, he may be informed he may do it; but I hold as this Case is, the danger will not permit to be examined whether there be just cause of fear, for then it might receive delays, which are dangerous, and the Kingdom be lost while we are disputing.

And then for the Phrase it self, *datum est nobis intelligi*, it is sufficient that the King knows there is danger; and therefore if it had been but onely *intelligimus*, none can deny it, but it had been sufficient; and what difference is there between *intelligimus*, & *datum est nobis intelligi*, that sets forth the knowledge of the danger, and this shews the means whereby he doth know it, *ut datum est nobis intelligi*, this goes farther than *ex auditu rumor est*, &c. therefore unless the King should go out of the Kingdom to see the danger, can it be otherways expressed?

Secondly, I hold that the danger it self, with the motives in the Writ, are sufficient; also the motives are great depredations of the Subjects Goods and Life. But it is not upon this I rest, for this hath relation to Pirats leading divers Christians into Captivity, these are good motives, and (as one of my Brothers said well) though these have relation to Pirats; yet *Bellum Piraticum* points at us as much terror as *Hannibal ad portas*.

I shall not much rely upon that, that the Enemies of Christendom, and of this Nation, did prepare *ad Mercatores nostros ulterius molestari, nos ad regnum gravandi nisi citius remedium apponatur*, &c. But this, *Consideratis periculis quæ undique his guerrinis temporibus imminetibus ita quod nobis & subditis nostris defensionem maris & regni omni festinatione qua poterimus convenit*, &c. shews otherwise than for the Pirats: this Defence was requisite. Therefore the next Clause is, *Nos volentes defensionem Regni, tuitionem Maris, securitatem Subditorum nostrorum*, &c. And therefore that *Salva conductione Navium & Merchandizarum quæ ad regnum nostrum Angliæ venerint & de eodem regno ad partes externas transeunt*, &c. take not away the former words, or limit them. As for the Clause in the *Mittimus*, I stand not upon it; nor that *Salus Reg. & Pop. nostri Angl. periclitabitur*, &c. admit there had been no preamble or express mention of danger, I hold the Command it self is sufficient setting forth of the danger; which is, that the Ship be with other his Majesties Ships, and the Ships of other his Majesties Subjects at *Portsmouth* the first day of *March* next following: the words of the Record be, *Exinde cum Navibus nostris & Navibus aliorum fidelium Subditorum nostrorum pro tuitione*

*Maris & defensione nostrorum & vestrorum, &c.* and particularly to express the danger is not necessary; for the King, the sole Arbitrator of Peace and War, best knows it. And it was the practice in former times, and so no wisdom for the King, who is the sole Arbitrator of Peace and War, to express the danger in particular, when Arms usually go before Heralds; nor is it the use of Princes to Complement, to tell the Enemy that they will, or intend to invade their Lands, and therefore I hold, though it might be more clear, yet *satis est quod sufficit*, I in my own conscience am satisfied the danger is certain enough expressed in the Writ, and so I have done with, first, the Particular (the Danger) which was the ground of this Writ. As to the second Particular:

What is alledged to be for the preventing of that Danger. My Brother *Hutton* and my Brother *Crook* would have it to be raising of Money by reason of the Clause in the Writ for the distribution of the Surplusage; but the Record is, *ad assidend. omnes homines & ad contribuendum Navem vel partem Navis non habentes, &c.* which shews that it cannot be for Money; neither is there any colour for Money, for it is to find a Ship: and if they have not of their own, they must build or buy one with their Money. But there is a great deal of difference between payment of Money, and finding of a Ship: and if my Brother *Crook* be required to find a Light-horse and Arms, he must buy one, or hire with his money, if he have none, but yet the Charge is not only for Money, but to find a Light-horse.

But my Brother *Crook's* Objection is, if any Surplusage remain it shall be divided, and so the Sheriff is to detain no part of it, but imploy it for the Publick Good, and not convert it to his own private benefit.

To this I answer, That this shews the equality of the Charge, which is fittest to be by payment of money.

Object.

My Brother *Crook* hath further objected, that an Inland County cannot build a Ship, a great trouble for the County of *Buckingham*, so far from the Sea, to build a Ship.

To this I answer, that those of *Bucks.* may hire a Ship, if they may not build one, and the words are but (*parare*) not for the Building, but Preparing a Ship: and it was not meant that they should build it there, but that they should contribute to the Building of a Ship in the most fit and convenient place.

Now in my opinion the King knowing and declaring the whole Kingdom to be in danger, and necessarily requiring his Subjects to defend and provide for this danger at Sea, the King may thereupon command all his Subjects to provide Ships to join with his Navy Royal against the Enemy of the whole Realm: and it is clear in the Case, and was the meaning of us all, that the King must join in the Charge, it being far from us to excuse the King in his rateable part.

My Reasons that the King may thus charge his Subjects to join with him in the Defence:

1. The Defence of the Kingdom must be at the Charge of the whole Kingdom in general.
2. That the Power of laying the Charge is by the Policy and Fundamental Laws of this Kingdom solely invested in the King.
3. The Law that hath given this Power to the King to do these things, hath given him Means to put these things in Execution.



In all these I shall ground my self upon Authorities in Law, and Precedents in all Ages.

1. First, That the defence of the Kingdom must be at the charge of all the Kingdom, I shall prove from the Law of Nature, which is, that every thing in nature ought to defend it self.

2. From the Rule of Reason, for *quod omnes tangit ab omnibus supportari debet*.

3. Thirdly from the true use of all that we enjoy, which must be abused if not employed to and for the good also of those that come after us; and necessary it is for our posterity to have all sure and safe. A good Patient will spare some blood to preserve his own health, and a good Husband will spare some piece of his best ground for Ditches and Fences to preserve the rest; and he is an ill Husband that finds not safety in that he doth.

4. From the Law of Property; As every one hath a particular property in his own goods, so every one hath a property in general in anothers goods, for the common good. For the Commonwealth hath a property in every Subjects goods, not onely in time of War, but also in time of Necessity. In Peace therefore if one take away my goods without my consent, I have my Action and recover Damage. Doctor and Student says, both a Trespas of Lands and Goods is punishable by Indictment, and Trespas at the Kings Suit, as well as at the Subjects: and this is by reason of the publick Interest that the King hath in every Subjects Goods for the Common good.

Now the Rule and Maxim before, so clearly and fully put and agreed by all, is, that in case of necessity that is apparent, the Subject ought to defend the Kingdom; and my Brother *Crook* agreed in case of danger, so it be imminent, all men are bound in their Persons and Estates to defend the Land and the Kingdom. And when he says they must then *exponere se & sua*, I think he means a man that takes and goes a Journey, may carry his money with him, *se & sua, id est. bona & catalla sua*, or else means the King cannot command their money without their consent, of which I will speak in its proper place.

I come now to the second part of my general Head, which is the Power of laying this Charge.

By the Fundamental Laws and Policy of this Kingdom, the sole Interest and Property of the Sea, &c. is in the King; I will not speak of the Original of this Monarchy, this is fit rather for Civilians, Historians, or the Pen of a Divine, than a Judge at *Westminster-Hall*; nor will I speak of the Division of Monarchies. The Poets say, that *Saturn* was the first Founder of Kingdoms; onely this I will say, that for the excellency of the Government of this Kingdom, through Gods blessings, that none are more happy than we. Look and see in other Nations, and tell me if you can find out any place where they can, and do enjoy those Mercies of Peace and Plenty which we do. For as we may justly say, *O Fortunatus nimium bona si sua noverint Britannos*: Nor will I perplex my self with the Original of this Nation and Monarchy. Some Stories are fabulous, and others doubtful, nor any so clear as to set it forth certainly, though they speak truly what is sufficient for us to know: Nor is he the poorest man, *Qui non potest numerare pecus*; nor he one of the worst Gentlemen, that cannot shew the Original of his Pedegree. The excellency of this Monarchy is sufficient, that it is a Monarchy; and that is most true which *Fortescue* saith of our Laws and their excellency: I

agree *Fortescue* was a Lord Chief Justice in *H.6.* time, but not Chancellor of England. Sea and Land make our Kingdom, and the King is *Sponsus Regni.* *Magdalen Colledge Case*, Sir *John Davies* Report, Stat. 24. *H.8.* 25 *H.8.* 1 *Eliz.* & 1 *Jac.* the Soil of the Sea belongs to the King, who is Lord and sole Proprietor of them; and good reason why it should, as is well maintained by Mr. *Selden*, that worthy and learned Author, and I hope shall be by his Majesty, and maintained with the Sovereign of the Sea, without whose Navy this Authority can do little good.

The King holds his Diadem of God onely, all others hold their Lands of him, and he of none but of God onely: But this is but to light a Candle for others. From hence onely I will observe that none others can share with him in his absolute Power.

A Parliament is an Honourable Court, and I confess it an excellent means of charging the Subject, and defending the Kingdom, but yet it is not the onely means.

An Honour the last Parliament 4 *Car. 1.* was pleased to bestow upon me, which never any shall with more respect remember than my self, whom they were pleased to chuse for their Speaker.

And, as my Brother *Hutton* said, I conceive it a fit way by Parliament to charge the Subject; and I wish some for their private humour had not sowed the Tares of Discontent in that Field of the Commonwealth, then might we have expected and found good Fruit; but now the best way to redeem this lost priviledge (for which we may give those thanks onely) is to give all opportune appearance of obedience and dutifulness unto his Majesties command.

The Two Houses of Parliament, without the King, cannot make a Law, nor without his Royal consent, declare it: he is not bound to call it but when he pleaseth; nor to continue it but at his pleasure. Certainly there was a King before a Parliament, for how could there else be an Assembly of King, Lords, and Commons, and then what Sovereignty was there in the Kingdom but this? His Power then was limited by the positive Law, then it cannot be denied, but originally the King had the Sovereignty of the whole Kingdom.

Thirdly, The Law that hath given this Power, hath given means to the King by his Authority to put it in execution. It is a very true Rule, The Law commands nothing to be done, but it permits the ways and means how it may be done, else the Law should be imperfect, lame, and unjust, therefore the Law that hath given the Interest and Sovereignty of defending and governing the Kingdom doth also give the King power to charge his Subjects for the necessary defence and good thereof.

And as the King is bound to defend, so the Subjects are bound to obey. *Corbets Case.* For the defence of the Kingdom, the Subjects are bound to obey, and to come out of their own Counties, if occasion be, and to provide Horse and Arms in Foreign Wars, and such as are compellable now to defend, Guns in stead of Bows and Arrows, so Munition, as Powder and Shot, &c. Then if the Sea and Land be but one entire Kingdom, and the King Lord of both, the Subject is bound as well for the defence of the Sea as of the Land; and then all are bound to provide Ships, Men, Victuals, and necessaries for that defence. And for us Islanders, it is most necessary for us to defend our selves at Sea; therefore it was the great Argument in 28. whether it was best to fight with the Royal and invincible Navy or Armado of *Spain* at Sea, or suffer them to land, and it was resolved clearly, that it was better to fight with them at Sea, though we lost the Battle, than our Ships to suffer them to land.

But



But then there was *Hannibal ad portas*. To this I shall answer afterwards, but here the Maritime Towns shall not help the Inland, nor the Inland the Maritime, but each of them bear their own charge, and defend themselves; but of this I shall speak hereafter yet undoubtedly.

Now I shall endeavour clearly to prove this by authority in Law, that there is no express authority against it, though there have been some Books cited by my Brother *Hutton*, and my Brother *Crook*, ( which I shall answer in their due place amongst other objections ) yet there is not one Authority or Opinion, much less Resolution or Judgment, in necessary time of danger, that says the King may not charge the Subject for the defence of the Kingdom.

Secondly, All these Authorities that prove the King is trusted with the defence of the Kingdom, and in divers cases gives him Aids, Taxes, Subsidies, &c. prove that the Subject is bound, in case of danger and necessity to pay them for defence of the Kingdom.

Thirdly, All the Authorities of Murage, Pontage, Saltpeter, &c. shew that for the good of the Publick the King is interested in the estate of the Subjects, and may charge them much more ( if for the well-being ) than when the being it self of the Common-wealth is at Stake, and in danger.

Fourthly, The Authorities of commanding the person of the Subject to come out of their own Counties proves the power of commanding the person of the Subject into Foreign parts, as in the King, much more the Estates of men should be at his command in case of necessary defence of the Kingdom.

Fifthly, All the Commissions of arraying men in *Ed. I.* time, *Ed. III.* *Ed. IV.* *Hen. VII.* and *Hen. VIII.* time, &c, they are all granted upon the same reason, and went out for the necessary defence of the Kingdom; these Presidents are not to command the person, but a Ship only *juxta facultates suas*, which are answerable in reason to the ancient Presidents from Authorities. I come to Presidents.

Presidents though they be not Judgments, yet they shew the practice of the Law, and what better Book have we in the Law than the Book of Presidents? Or what is there of more authority than that, for we have not the twelve Tables for our Common Law.

The Common Law is but the common usage of the Land, and therefore the Presidents alleaged by the Kings Council are of good authority to prove the Law in this case, wherein I shall not name the particulars, they have been well remembred by Master Attorney and Master Solicitor, but I will mention the substance of them.

The first Statute was before the Conquest, in the times of *Edgar*, *Alfred*, *Etheldred*, &c. the use was to defend the Kingdom at the charge of the whole Kingdom by the Edict of the King.

A strong inference from the President of the grant to the Clergy and Church of divers Priviledges with these exceptions of *pontium*, &c. in the time of *Edgar*, *Alfred*, *Etheldred*, &c.

The Council of *Enoch* in *Edgar's* time, about 606. 621. mentioned by the learned Antiquary Sir *Henry Spelman*, fol. 510, and after these follow *he sunt constitutiones*, &c. fol. 523. in which are excellent things good for Church and Commonwealth, Cap. 23. *Navales expeditiones*, if it be no Act, yet nothing is more like an Act of Parliament; Take the phrase of those times, and certainly it was either an Act of Parliament, or a  
proof

proof of the Kings Power, that without Parliament he might charge the Subject for the defence of the Kingdom in case of danger, and the word Expedition is used for War, and sometime for an Army, as *Cassiodorus*, giving the reason of the Navy, says; in the third place it shews the practice of the Kings of *England* to charge their Subjects for the defence of the Kingdom in case of danger.

Now, if this charge of *Dangil* be not taken away by any of the Acts of Parliament, it remains still, says my Brother *Hutton*, and so I think it doth, or something in lieu of it, for it is not taken away by the Act of Parliament.

1. In these Presidents observe first, that they are all upon the same common Reason that this is.

2. These Writs are not limited for their number or time; so that they prove the power was in the King to charge his Subjects.

3. In these Presidents some were to Inland Counties, as *Huntington*, *Bedford*, *Buckingham*, *Leicester*, *Oxford*, *Berks*, &c. and though they went not generally to all Counties at one time, yet they went to them as occasion was; and if the danger had required, the King, might if he had pleased, have sent to all, as well as to some.

But because there was never any time when all the Munition in the Kingdom was drawn at one time to one place, may it not therefore be done? The commanding sometimes of one, sometimes of another, is an Argument they may all be commanded, as occasion requires.

I do not build my opinion upon confused Notions, but on Matters digested, on Presidents of weight, the chiefest in respect of time; and after the making of *Magna Charta*, 9 *Hen. III.* 13 *Hen. III.* m. 48. 18 *Hen. III.* m. 7. and 13 *Edw. III.* m. 77. 23 *Edw. III.* m. 4. 28 *Edw. I.* m. 23. and many other in *Edw. I.* time, there is proving Contribution towards the maintenance of the Sea-coasts from Inlands, as 25 *Edw. I.* m. 13. Abbot of *Robertsbridge* Case is a full President, notwithstanding all that hath been said; so 9 *Edw. II.* parte, 1. 20 *Edw. II.* m. 7. 2 *Edw. III.* *Scot. Roll.* 7 *Edw. III.* m. 9. 10 *Edw. III.* m. 16, 17. 11 *Edw. III.* 12. (14, 15, 16. 18 *Edw. III.* 46 *Edw. III.* m. 34.) 25 *Edw. III.* *Rot. Francie* m. 9. 29 *Edw. III.* 1 *Rich. II.* 1 *Hen. IV.* and yet *Henry* the Fourth had as much reason to please the People as any King of *England*; so in *Hen. V.* though Lusted in the glorious Conquest, or rather recovery of *France*. God forbid we should see those times; so in *Edw. IV.* *Hen. VI.* *Hen. VII.* *Hen. VIII.* by way of offensive War, Writs and Commissions to their Subjects to contribute towards it; so in Queen *Elizabeths* time Commissions towards the maintenance of the Kingdom, 11 *Eliz.* 41 *Eliz.* Commission to the Earl of *Nottingham*, 88. Letters from the Lords of the Council, which Letters had the Queens Writ, but my Brother *Crooke* answered all these with this Rule of Law, *Judicandum est legibus non exemplis*; to this I answer him, That Examples and Presidents are good Law, they are Authorities out of the Law, and declare what the Law is, and what of more certainty, *Edw. Digest* of Writs. These are *instar oracula legis*, Presidents drawn up by the Clerk sometimes, though they pass *sub silentio*, yet are they good Authorities in the Law.

The Abbot of *Robertsbridges* Case as a President of great Authorities.

No Presidents go to Inland Counties.

Answer, in truth the Presidents are quite otherways, for ordinary defence they go to Maritime Coasts only: But where the danger is general

to



to Inland Counties, and after another manner, for this I refer you to my Brother *Westons* Argument; these should not be so frequent, for first this danger was but seldom.

Secondly, Because then we had double hostility, one from *France* by Sea, and another by Land from *Scotland*, examine the Presidents therefore.

The third Objection that my Brother *Crooke* made, is, that we are compellable by our Presidents to Arms, but not with any Sum of money.

I answer with my Brother *Jones*, *Bona corporis* are above *bona fortune*, but this power of the liberties of the persons of his Subjects he agrees is in the King, then I say more reason that their Estates should be in his power in this case of necessary defence.

Secondly, The Presidents Warrants the quite contrary and Wages have been paid to Souldiers by the Subjects in this case,

The third thing that I shall observe in this case is the answering of all these Objections which have been made against it, which were three.

1. That the Writ was against the Common Law.
2. That it was against the Statute Law.
3. Many inconveniences grow thereby.

First, It is against the Common Law, first, because it is without President, this is the first of this kind since the Conquest, and where there is no President the Law will not bear it; *Littleton*, fol. 32. My Lord *Cooks* Commentaries upon it puts divers Cases to the same purpose.

I answer, There are Presidents for it, and the Law is so that the King may charge his Subjects towards the defence of the Kingdom in this Case.

The second Objection is, that it is against the freedom of the Subject, that hath a true property in his goods, which cannot be taken away without his actual or implied consent, *Lambert*, fol. 294. *Fortescue Magna Charta*, 17 King *John*, *Matthew Paris*, fol. 242. *Fortescue*, 9. Chap. 13, &c. 13 *Hen. IV.* *Chamberlain of Londons Case*, Register, fol. 127. *Fitz. N. B.* &c.

I answer, That that authority of *Lambert*, rehearsing the Laws of the Conquerour, is *Volumus & concedimus, ut omnes liberi homines totius Monarchie Regni nostri habeant & teneant terras suas & possessiones suas bene & in pace liberos ab omni injusta exactione & ab omni Tallagio, ita quod nihil exigatur aut capiatur nisi per Commune Consilium*, &c. it cannot be construed that they should not be charged, but that they should be free from all unjust Taxes; The King is not concluded by the subsequent words, *omne tallagium*, this cannot be so general but the King may impose just charges towards the necessary defence of the whole Kingdom, for this is meant plainly by the word Tallage, it appears *Tallagium* is derived from a French word, and is indeed a cutting word, and therefore *injusta exactio*, which shews that for the most part it is taken in the worst sense, and as my Brother *Crooke* said it, and the manner of expounding it must be from the Law.

Secondly, My Brother *Crooke* quite left out these words following, (that declare and expound the former,) viz. *Statuimus & firmiter precipimus, ut omnes liberi homines totius Regni predicti sint fratres conjurati ad Monarchiam nostram, & ad regnum nostrum pro viribus suis & facultatibus, contra inimicos proposse suo defendendum & viriliter servandum*, &c, whereby

whereby it is apparent, first, that the Kingdom is to be defended by the whole Kingdom *pro facultatibus*, with their goods, as well as *viribus*, by their persons.

Secondly, It comes after the Chapter of Tenures, and services, by which they are bound to defend *terras & honores suos*, &c. which shews that he meant not to free any from the charge of defending of the Kingdom in case of necessity.

Object.

The third Objection is the Charter of King John, *Nullum Tallagium imponatur nisi per commune Consilium*.

Solut.

I answer, the words are concerning the defence of his own Person and Kingdom, and therefore it is excepted, *nisi ad redimendum corpus nostrum*; and in the original Act these words are left out, *Scutage, Murage*, and other Aids there mentioned, shew that only those were meant that were of private benefit were not to be imposed by the King upon his Subjects without Parliament, but not to bar himself for the publick good.

The fourth Authority was *Fortescue*, which was most insisted upon by my Brother *Crooke*.

Before I come to the words themselves, note first, the time when he wrote that Book, It was after all the Acts of Parliament that took away the Regal Power, yet it mentioneth not them, so as it must needs relate to the Common Law, it was writ when the Civil Wars were between the two Houses and himself in exile, no time was it then to displease the People.

Secondly, It shews the differences between Kingdoms, when a Monarch rules that challengeth all power over his Subjects, and between a Monarch that governs according to positive Laws.

The words that seem to be against this charge are in *Fortescue* 9. cap. 26. *Rex Angliæ Politicæ imperans genti suæ, nec legem ipse sine subditorum assensu mutare poterit, nec subiectum populum renitentem onerare impositionibus peregrinis*, Cap. 13. fol. 32. *Rex caput corporis politici mutare non potest leges Corporis illius nec ejusdem populi substantias proprias subtrahere reclamantibus eis aut invitis*, & Cap. 39. fol. 84. which my Brother *Crooke* says is the expresse Authority in *hoc individuo*, the words are, *Neque Rex Regno Angliæ ibidem per se aut Ministros Tallagia, subsidia aut quævis onera alia imponit ligetis suis, aut leges eorum mutat vel novas condidit sine concessione vel assensu totius Regni sui in Parlamento suo expresso*, &c.

From them all I take the true meaning of him to be, and I hold first that the Kingdom ought to be governed by the positive Laws of the Land, and that the King cannot change nor make new Laws without a Parliament.

Secondly, The Subject hath an absolute property in his Goods, Possessions, and Estate, nor to his own use the King cannot take them.

Thirdly, Nor for his own use the King cannot lay any Burden, Tallage, Tax, or Imposition without the Subjects consent in Parliament.

Fourthly, For the benefit of Trades the King may lay fitting Impositions, and may command that which is for necessary defence of the Kingdom, which is no command of charge, but command of employing.

Fifthly, I answer therefore to the great Objections that liberty of the Subject is lost, and the property is drowned which they have in their Estates.



First, I say, all private property must give way to the publick, and therefore a trespass to private men is punished by Indictment, because it is an offence of the Publick Weal, and though every man hath a property in his Goods, yet he must not use them to the detriment of the Common Wealth; a man may give his Grass or Corn when it grows, or when it is in his Barn, but if he will cut it unusefully or Burn or destroy his Corn, or if he throw his Goods into the Sea that it may perish, these are crimes punishable by the Common Law; so transporting of Commodities against the publick good; therefore the direction of thole Statutes for restraint hereof are from the Common Law, and the reason of this is because the publick property must take place, and if in petty business it may be, then much more in time of publick and great necessity and danger, and it is rather an averment of the Subjects property, that in case of necessity only they may be taken away, than contrary to it.

My Brother *Hutton* and my Brother *Crook* agree, that all are bound in case of necessity *exponere se & sua totis viribus* to defend the Kingdom, and may he not command a part with more reason than all?

In the next place I shall remove a scandal that hath been put upon the King, how that his Majesty hath meant to make a private, personal and annual profit by it.

What he hath done is well known, and I dare confidently say, all hath been spent without any account to himself, and that his Majesty hath been at great charge besides towards the same purpose; and I heard it from his own Royal mouth, he spake it to me and my Lord *Bramston*, that can testifie as much, that he said it never entred into his heart to make such use of it, and said he was bound in conscience to convert it to that use it was received for, and none other, and that he would sooner eat the money than convert it to his own private use, therefore he that thinks the King makes a Revenue of it, doth highly slander his Majesty, but let Kings be as *David* was, *men after Gods own heart*, yet they will not want a *Shimei* to rail on them.

But though, blessed be God, his Majesty is so gracious and loving to his Subjects, and so just that we need not fear that he will charge them but upon urgent necessity, we know not what succeeding Ages may do.

*Object.*

It is not well to blast succeeding Ages, and if they should hereafter charge unreasonably without cause, yet this Judgment warrants no such thing; Again, it is no Argument to condemn the true use, because it may be abused; and again the Law implies as great trust in the King as this, the King may pardon all offences, but if he should, then none could be safe, the King may make Peace and War at his pleasure, but yet should he make Peace when Peace would ruine us, or War when War would undo us, it would be worse than this, therefore it cannot be suspected that the King would do any thing against Law and the publick good of the Kingdom, therefore the Law says, *The King can do no wrong*, for he is *Sponsus Regni*, as in *Magdalen Colledge* case.

*Ans.*

*Clarks* Case, and the Chamberlain of *Londons* Case, &c.

These Cases are nothing against this, but rather for it.

*Object.*

*Ans.*

*Object.*

The Record of 14 *Rich. II. Rot. 60. Leavers* Case in the Kings Bench in an Action of Trespass for taking away his Goods without his consent, had Judgment to recover in *Durham*, but the Case was; One *Leaver* of the Town of *Durham* Plaintiff, brought his Action against another for



entring into his house, and taking away his Goods, and sixty pounds of Money; the Defendant pleaded not guilty, and the Jury found upon a special Verdict that the Defendant took away his Money, but upon this occasion, the Scots had invaded the Realm, and were in *Durham*, and would not be gone without a certain Sum of money, whereupon the Inhabitants assembled, and amongst the rest the Plaintiff was one, and they made an Order to abide the Ordinance of the greater part, which was to give the Scots the Money desired, and because the money was to be paid present down, therefore they made another Order to search in all mens houses, and to take away what Money they found, according to which the Defendant searched the Plaintiffs House, and took away sixty pounds, and because it was without consent, the Plaintiff had Judgment to recover in *Durham*, but upon special Verdict it was reversed in the Kings Bench, because with his consent. Indeed the reasons were (1.) because he had sufficient remedy against the Commonalty. (2.) He did it as a Servant.

*Solut.* But I answer first, that though the Ordinance was good by consent, yet it followed not that it was void without consent, the question is there only, whether good by consent.

Secondly, It follows not but that all men without consent are bound to contribute towards general charge for necessary defence.

*Object.* Another Objection made by my Brother *Crooke* was 2 *Rich. II. parte prima*, where all the Lords and Sages met together after Parliament, and it was agreed by the Lords, that they could not charge without Parliament, this was a Declaration of the Law in Parliament, and an Act of Parliament, &c.

*Solut.* I answer, That it was no Act, but a Declaration in Parliament of the Law, and indeed no Declaration, but a relation by the Chancellour.

Secondly, If it had been a Declaration, yet it had not been binding without the King.

Thirdly, It is no President of a good Book; it was when the King was young, and the Parliament had the Regency, Councillours, Treasurers, and all his Officers about his Person were chose by Parliament, and therefore no wonder they endeavoured to please the Parliament.

Fourthly, It is a President that they (*id est*) the Lords could not charge the Commons by themselves.

Again, the Case was not for the defence of the Kingdom, but Wars in *France*, *Scotland*, and *Ireland*; these were the many Wars.

Though Subjects may be charged for necessary defence of the Kingdom, yet if Forrein Wars be together with them it is otherways, and therefore in the Parliament before such charge belongs not to them, and therefore they hold they ought not to bear it, and so that Rule of *Gascoigne* 24 *Hen. IV. fol. 4.* and no man shall be charged without Parliament, where Bulwarks were built, &c. it proves not though it implies, that if it had concerned the Kingdom, it had been otherwise.

*Object.* The next Objection was the great inconvenience that would hereupon ensue, If such a charge may be, then none knows what this charge will be, for the King may command it as often as he pleaseth, an example hereof they put of *Dane-gelt*, that in 11 years grew from 12000 *l.* to 48000 *l.* therefore the Law hath provided against that incertainty, and limited it to a Parliament.

*Sol.* I answer to this, that if the danger increase, so must the charge; again the King may command all Persons when, and as often



as he pleases he may do it; Is not this a great Inconvenience? And yet that abates not the Writ; my Brother *Crooke* shewed how Subsidies increased, and yet no inconvenience in that he conceived; and indeed this shews the provision of charge must be according to the danger.

Secondly, No abuse of any thing must take away the true use thereof.

Thirdly, We cannot suspect that there will be such abuse, *Ubi confidit Deus & lex & nos etiam confidemus*, God and the Law hath trusted his Majesty, and we should not distrust him; in time of imminent danger, *tempore belli*, any thing, and by any man may be done, Murder cannot be punished; yet says my Brother *Crooke*, the King cannot charge his Subjects in no case without a Parliament, no not when the Kingdom is invaded actually by the enemy; but truly, as I think, he was the first, so I think he will be the last of that opinion; especially having delivered that the King is sole Judge of the danger before, as indeed he is, and the King is sole Judge of the danger, not any have denied it, and therefore else it should be no danger but when every one shall say you shall judge that the Kingdom is in danger.

Secondly, There hath and may be as great danger when the Enemy is not discerned as when in Arms, and on the Land.

In time of War, when the course of Law is stopped, when Judges have no power or place, when the Courts of Justice may send out no Process, in this case the King may charge his Subject, you grant; mark what you grant, when there is such a confusion as no Law, then the King may do it, *dato uno absurdo infinita sequuntur*.

2. There may be time of War in one part of the Kingdom, and the Courts of Justice may sit, as in in the 14 *Hen. III. Rich. II. Hen. VII.* time, War was in some part of the Land, yet the Judges sate at *Westminster Hall*.

1. Now whether a danger be to all the Kingdom, or to a part, they are alike perilous, and all ought to be charged.

2. The King may charge the Subjects for the defence of the Land, and now the Land and the Sea makes but one entire Kingdom, and there is but one Lord of both, and the King bound to defend both.

3. Expectancy of danger, I hold, is sufficient ground for the King to charge his Subjects; for if we stay till the danger come, it will be then too late, it may be.

4. And his averment of the danger is not traversable, it must be binding, when he perceives and says there is a danger, and in 88 the Enemy had been upon us, if it had not been foreseen, and provided for before it came: but I will not determine the danger now, do we not see our Potent Neighbours, and our great enemies heretofore, were they not prepared for War? And was there not another Navy floated upon the Sea, and was not the Dominion of the Sea threatned to be taken away? As long as this danger remains, I shall bless God for such a King as will provide for the defence of the Kingdom timely, and rejoyce to see such a Navy as other Nations must vail to, and we are not in case without it, and should lose our glory besides.

Thenext Objection of my Brother *Crooke* was, that there is a means provided by Parliament, which will not withhold Aid for the defence of the Kingdom, and it were a sin to deny it in case of necessity.

Object.

And in *Ed I.* time *Ed. II.* & 4 *Ed. III.* a Parliament was to be held every year for the defence of the Kingdom, & *propter ardua Regni.* I answer, that might well be, but then in the time of *Ed. I.* *Ed. III.* there was Pleas in Parliament, but those are now laid aside, and that the Subjects ought to give the King Subsidies; I will not say, that inferring that they will not do it, nor am I apt to believe it; but I hold Parliaments are the excellent means for the defence of the Kingdom, and yet they are not the only means, for then the Parliament, and not the King, should be the sole Judge, and have the defence of the Realm, or else it should give the King a charge of defence without power and means.

The Objection of the Kings Revenues, Tenures, and Prerogative, they have been unfitly remembred, they have been fully answered.

The Statutes of Tonnage and Poundage to the King for and towards the defence of the Seas, and the other Acts of Parliament that restrain the Kings Power, so that now he cannot charge the Subject without his consent in Parliament: I shall answer in the next place, and before I come to the particular Acts I will shew you what, in my opinion, they may do.

Acts of Parliament may take away Flowers and Ornaments of the Crown, but not the Crown it self; they cannot bar a succession, nor can they beattainted by them; and Acts that bar them of possession are void.

Secondly, No Act of Parliament can bar a King of his Regality, as that no Lands should hold of him, or bar him of the Allegiance of his Subjects, or the relative on his part, as trust and power to defend his people; Therefore Acts of Parliament to take away his Royal Power in the defence of his Kingdoms are void, (as my Lord Chief Baron said) they are void, Acts of Parliament to bind the King not to command the Subjects their Persons and Goods, I say their Money too, for no Act of Parliament makes any difference. Now to the particular Statutes objected.

First, 25 *Ed I.* cap. 5. *confirmatio cartand.* the words are these, Aids or Taxes granted to the King shall not be taken for a Custom or President, and Cap. 6. moreover, we have granted for us and our Heirs, that for no business from henceforth we shall take such manner of Aids, Taxes, nor Prizes due and accustomed; and Cap. 7. a Release of Toll upon every Sack of Wool, and grant that we will not take such things without their common assent and good liking, saving to us and our Heirs the Customs granted by the Commons aforesaid.

As to the other Statutes *de Tallagio non concedendo*, Cap. 1. *nullum Tallagium imponetur nisi per Commune Consilium Regni nostri*, Cap. 2, 3, 4, 5, &c.

First, These words must have relation to the Aids before, and there be divers Aids, as some by Tallage, some by way of Prize, of goods, and ransom of his Majesties Person, &c. the King thereupon makes this grant, which hath relation to such Aids as were granted voluntarily. Secondly, ancient Aids are there reserved as redeeming of the Kings body *pur faire son Chevalier* & *pur Marrier son filius Eigne*, and to all other ancient Aids which are to be understood with an *ad redemendum corpus*, &c.

And to the Statute *De Tallagio non concedendo* in some Books it is not in Print, but mentioned in *Magna Charta*, *Rastal*, and *Petition of Right*, 3 *Car.* 1628. to be in 24 and 25 *Edm. I.* and therefore I answer, first,



it is not in the Parliament Roll; and there is variance about it, and therefore it is but an Abstract, and no substantial Statute.

But since it hath passed for a Statute, and it is possible it may be so. I agree with all the rest of my Brothers that it is a Statute, and then I answer, first that *Nullum Tallagium imponetur, &c.*

That is, No unlawful Talliage shall be imposed upon the Subject without his consent, or else *Aid pur jair faitz Chevalier & pur Manier Fyngesil*, should not have been excepted.

Secondly, No Aid shall be imposed but by the Contribution of the King and People; and here the King is taxed as well as they.

Thirdly, An Act of Parliament can by no means take it away, much less by those general words.

In 14 E. 3. c. 1. No man from henceforth shall be chargeable, but by common consent in Parliament.

That though it be but temporary in some parts, yet it is binding onely *secundum Subjectam materiam*. And the words are general, as in the other Statute *De Tallagio*; besides the Practice in that Kings time and after, best interpret it.

25 E. 3. c. 8. No finding Men at Arms, unless by consent, much less finding of Ships.

This takes not away any former Law, and therefore the Presidents following, 4 H. 4. shew that it reacheth not this Case.

2 H. 4. m. 2. which is absolute in the point, saith my Brother *Crook*, where a Commission went forth for the Defence of the Sea, whereof complaint was made in Parliament, with desire that it might be repealed, and it was so.

I am of the contrary opinion, for the Petition was that it might be released; and the Answer was but this, That it should, but the King would treat with his Council about it; and it was but a Repeal of his Commission then onely.

1 R. 3. c. 2. where the King grants that he would not hereafter charge them by Benevolence, or any such Charge, but that they should be dampned by the Law, by no such Charge or Imposition, (*i.e.*) by no such Charge of Money.

That Statute is onely against Benevolence, and made by a King, that had reason, as we all know, to please the People for his own ends.

The Statute of Tonnage and Poundage granted for the defence of the Sea; the words are, That no Talliage or Aid shall be without Act of Parliament. Secondly, That the King hath means to defend the Realm, with a Protestation not to draw it into an Example. 4. 13 *Henr.* 4. *Parl. Rol.* No. 10.

I will not argue whether Tonnage and Poundage was before this Act of Parliament, nor that time out of mind, they were granted unto the King; but my Answer is, That they are onely for the ordinary defence of the Sea, and the Protestation of 4 H. 4. is a Protestation of the Commons, and this Charge is not taken away thereby; and Tonnage and Poundage is for and towards the defence of the Sea. So all the Acts are, and so I agree. But for Extraordinaries, and but Solely in case of danger of the whole Kingdom that they should not be granted, cannot be collected out of those Grants.

The seventh Objection is, the Petition of Right 3 *Car.* that no Charge shall be imposed upon the Subject but by Parliament.

I was then Speaker of the Lower House, and have reason to remember what

*Obj.*

*Resp.*

*Obj.*

*Resp.*

*Obj.*

*Resp.*

*Obj.*

*Resp.*

*Obj.*

*Resp.*

*Obj.*

*Resp.*

what then was made ; and I say, First, That there is no mention of this Case : Secondly, There was no new thing granted, but only the ancient Liberties confirmed, taking notice of the Protestations of the Commons, not to bind the King for his ancient Right.

3. Look upon the Prayer, what is desired, and the main scope was first generally against Loans, and this could not be included in these words ; secondly Imprisonment without Cause : thirdly, Billiting of Souldiers : 4. Mariners lying within the Land.

I have now done with my third general Head. I come to the fourth and last, touching the Form and Legality of the Writ.

First for the Legality of the Writ, and the Objections touching the necessity, I have answered before ; the main Objection is to the Body of the Writ.

1. The Command to charge the Sheriff to levy and assess Money according to his discretion, which is not legal, for that the Sheriff should make it *per Sacramentum*, by the Oath of a Jury, as in the Writs of Partition, Distribution, *per Rata*, &c.

Object.

Per. Ch. Baron.  
& Jus. Book.

The Assesment of the Sheriff is not warranted by the Presidents, they do it not upon their Knowledge, but Presumption of mens Estates : and from thence they speak against the too vast power given to the Sheriff to enhance it as they please.

Secondly, The inconvenience is great hereby, for there is by this means a great inequality in the Assesment.

Resp.

I answer first to the Assesment *per Sacram.* no reason why it should be here ; for it is not done in the Commissions to levy Subsidies, much less should it be done here for a matter of great haste. And besides, the Sheriff is trusted with more, for he hath the trust of the whole County, and takes an Oath to execute his Office justly, whereof this is one part.

As to this they say there is no President for it. First I say, That there is no President, that it hath been done by Jury, but always by the Sheriff, or such whom the King was pleased to trust ; and since one must be trusted, none more fit than he.

Secondly, By Example we see he speeds all, and is most ready for it.

Thirdly, I say the Writ leads not the Assesment, it commands the Ships to be provided, so if that be done, there is no necessity of an Assesment. And if the Towns and Counties say they will provide a Ship, and do it, then no Assesment requisite : but if they do it not, then the Sheriff is to levy it, that the Defence may be seasonable, so as the Clause of Assesment shews the manner of it ; when a multitude is to join, none more fit than he to do it, and no way better to write to him to do it, according to mens abilities.

Fourthly, The Clause of Assesment is not onely to the Sheriff, but to the Head-Officer of the Town and Burrough ; and though the discretion of the Cause be to the Sheriff, yet it appears not that it is limited to him solely.

Obj.

And whereas it was said that the Sheriff cannot Assess himself, and the Presidents warrant not this Assesment by the Sheriff.

Resp.

I answer, all the Presidents are not against it, but commonly it is not so, and yet there have been a multitude of Presidents thus.

As to the inequality of it, Mr. Hampden had the least cause of any man in England to complain, considering how he was rated. Again, All that the Writ commands is but an Assesment, *juxta facultates suas ita quod omnes*, &c. And if the Sheriff do otherwise, and wrong the Subjects, he



is answerable, by divers ancient Presidents, it appears that where the Sheriffs have been faulty this way they have been punished. And Sir Walter Nortons Case now depending in the Star-chamber concerns this, for this abuse in levying this charge, being High-Sheriff of *Lincolnshire*.

Truly I think as my Lord Chief Baron said, if there had not been an inequality by the abuse of the Assessors, the Charge had not been complained of, yet the like inequality is in Subsidies, and this is no just cause of exception against it, but of accusation against the Sheriff, who is to answer it.

And I can say truly, that his Majesty hath been very careful to prevent and remedy the abuses herein, and hath often late daily present in Council Chamber to give his advice herein himself, and upon his Command Reformation hath been in divers places, and it hath been given in charge to all his Judges in their Circuits to endeavour the same in all parts; and I my self, by his Command have rectified Rates in this kind unequal, and I doubt not, if necessity of danger shall still require it, or again it may hereafter be done with all equity.

Second Objection, That the Sheriff cannot Tax himself, for then he should be Judge and Party in one Cause; nor can he commit himself; and if he be omitted out of the Assessment, then it cannot be equal, nor cannot be according to the Writ that commands all should be assessed according to their abilities rateably.

Object.

I answer, This *prima facie* carries some shew in it, but examine Causes of less consequence, and it is easily answered: The Justices of Peace in levying of Subsidies make rates for themselves, the Commissioners of Sewers tax their own Lands, and so if by Jurors it were done, it would be the like; there must be either new Assessors appointed, or they themselves must do it, that would bring delays, and this requires haste and expedition, and therefore fittest for this business. Authorities in Law there are divers herein, as the Writ for levying Expences for Knights of the Shire, Direction is to the Sheriff to do it, who assesses himself, and yet he is to execute it. So in a Writ of Discovery *de bonis Inhabitantium*, the Sheriff is chargeable with his part, yet to execute it; if a Fine be laid upon the whole County, he levies it, yet is chargeable with his part towards it.

Resp.

The Writ is directed *probiis hominibus*, and these cannot be charged in an Inland County.

Obj.

What difference there is *inter probos homines*, between Inland Counties and Maritime Counties I know not. The 24 of Edward the Third, a Writ whereby they were charged in case of Necessity, as to *Yarmouth*, it was *probiis hominibus*, &c. true, a Grant by the King *probiis hominibus* generally is void, 1 Henr. 7. Dier. Philip. & Mar. 7 Eliz. 4. 14.

Resp.

But a Commission or Writ to Assess them good enough *probi homines*, that they know not nor see not, it is not material for that would make them sole Judge of the danger, when as the King onely is, and this is not traversable neither.

The Writ commands Inland Counties to find a Ship and Mariners which is impossible, and *Lex non cogit ad impossibilia*, and for this my Brother Crook put the Common Cases that general return 49 Edw. 3. 6. and Impossibilities are void, but a Covenant for impossible things is void, but a Bond may be good.

Obj.

I answer now to the point of Impossibility, and possibly the Ship may be

Resp.



be built in an Inland County, though to carry it to *Portsmouth* is impossible, but it is possible to provide a Ship and Mariners, as the Writ commands, which may very well be done with Money.

*Obj.* But we have none but trained Souldiers, no Mariners, our County consists in Tillage, and our Men are brought up to the Plough and Husbandry.

*Resp.* I answer, We have the like occasion of Ploughs and Husbandry in *Kent*, and we have many places no Maritime Towns, some lie 20 miles from the Sea, and yet we are justly charged to find a Ship; Presidents we have as well as you in *Oxfordshire* and *Buckinghamshire*, or else none should be charged but Port Towns, and in particular no Law or Statute to exempt them; until *Alfreds* time there was no distinction of Maritime or Inland Counties, for then all *England* was but one Maritime County.

*Obj.* The payment of Souldiers Wages for 26 Weeks to be in the Kings Service, is against many Presidents, as 16 *Edw.* 2. 10 *Edw.* 3. and intirely for Wages to be paid by the County, is against all the Presidents, and Tenants by Knights Service after 40 days, are to be paid by the King: and other Presidents my Brother *Crook* cited, when divers refused to go out of their own County till paid, and order taken for their Pay by the King. And whereas the Counties had given Bond for payment of Souldiers Wages, they were cancelled, and Order made in Parliament that Souldiers should be at the Kings pay; 2 *Edw.* 3. 16, 18 *Edw.* 3. cap. 7. &c.

*Resp.* These are easily answered, for these Presidents prove no more than payment of Wages *de facto*, and so the King may pay it where it is not due; and for their refusal, I have nothing to do with that now: but 10 *Ed.* 3. m. 2. there is mention made of *Berkshire* Men commanded to carry their Souldiers out of their own County at their own costs, and when the Souldiers refused to go thence, no charge or payment; for Souldiers used to be paid by their County as in that case, and they were forced to go, and did go, and did stay there three years; so 13 *Ed.* 3. m. 8.

*Obj.* 1 *Edw.* 3. m. 14. none compelled to go out of their County without Wages paid, 18 *Edw.* 3. m. 6, 7. That none should go out of the Inland Counties, and not onely those that had Offices and Patents to serve the King, but all with this *Proviso*, that the King should pay them their Wages.

*Resp.* 1 *Edw.* 3. It is clear, and hath the Exception in case of necessity, and to be done as in times past.

18 *Edw.* 3. It is expressed in the Act, when they go to the Kings Wars out of the Kingdom, 18, 19 *Henr.* 7. &c. These are all but declarative to the Common Law, *Corbets Case*, the Reason is because Legeance of the Subject is not natural but local.

But that the King shall give Wages within this Kingdom, there is no Act of Parliament for it now; it was resolved in the Exchequer, that the Sea and Land made but one entire Kingdom, and so no going out of the Kingdom here, and consequently the payment of the Souldiers Wages within the Kingdom is not against Law.

*Object.* The last Objection is, that the Writ is illegal, because contrary to *Magna Charta*; *nullus liber homo imprisonetur*.

*Resp.* Astouching the Objection of the Nobility, that they are privileged from imprisonment, it might well have been spared, and I know not wherefore it was spoken, unless to make them think they were more interested than the rest of his Majesties Subjects in this case.

But



But yet I say, Noblemen may be imprisoned upon contempt, as my Brother *Crook* knows well, and it was resolved in the Earl of *Lincolns* Case in the Star-Chamber.

It is true, that upon ordinary Process they are not to be brought to Trial, or Imprisoned.

Now I answer, There is no Imprisonment in Question, but the Assesment onely why he should not pay the Money asselied, or to shew cause to the contrary.

Secondly, Were the Form illegal, for Form and Circumstance, yet this makes not the Command it self illegal for Substance.

Exceptions to the *Certiorar*' are these; First, The direction of it to two Sheriffs out of their Office, when as the Sheriff in being, ought onely to return it.

*Certior.*  
*Object.*

Of this there is little doubt, nothing more frequent for the *Certiorar*' to issue out of the Chancery to two Parties, as to the Executors or the Judge that took the Fine and is removed, and so upon Commission to take a Fine by *Dedimus potestatem*, in this Case the Writ is *inter brevia retornabilia*, and this must remain with the old Sheriff, and are never delivered over by the Jury to the new Sheriff. In *Hubbarts* Case in the Kings Bench, being convict of Heresie before Sir *Julius Caesar* Judge of the Admiralty certificate to him, after Master of the Rolls, and directed to him; so in case of my Lord *Paget*.

*Resp.*

The Writ is without Return (saith my Lord Chief Baron) and the *Certiorar*' which is a year and a half after, cannot renew it.

*Obj.*

That shall not be the determining of it, onely for the time limited expiring, shall not deprive one of his just debt.

*Resp.*

It is not sufficient, because it appears not that Mr. *Hampden* was Tenant or Tertenant, or that *Stoke Mandevil* was within the County of *Buckingham*.

Secondly, It appeareth not that there was any Munition or Ship appearing.

*Obj.*

I answer, It doth sufficiently appear that Mr. *Hampden* was Tertenant, for that the *Certiorar*' is to the Sheriff, who certifieth that he was Tenant, for it is in pursuance of the Writ; the words are, *Virtute brevis Domini Regis huic Schedul' annex' certifico quod Virtue & secundum epigentiam, &c Assessani Anglice* have asselied *super seperales homines & terre tenentes Comitatus Bucks. predicti. quorum nomina subscribuntur, &c.* it relates to the place there, Tenants in the County of *Bucks.* and makes Mr *Hampden* one, and this in business of Knighthood was done and in no other manner.

*Resp.*

Secondly, it appears not that the Ship was prepared.

*Obj.*

To this I answer, First, that the Ship was done according to the Command of the Writ.

*Resp.*

Secondly, It was prepared.

Thirdly, If none had been prepared, the fault was for that they paid not their money.

For the Exceptions to the *Mittimus*, I say nothing, because I told you the Case rests not upon these words, *ut salus regni periclitabitur*, and which is onely but to bring it to issue.

Exceptions to the *Scire fac*'; as, First, that the King is not entituled to bring the *Scire fac*': so there is no *cui oneretur*, to whom he should pay the money, for whose good or benefit Mr. *Hampden* should satisfie the money asselied.

*Scir. Fac.*  
*Object.*

Resp.

I answer, The King is interested in all actions of publick good, and shall recover accordingly, as in Cases of High-way, Pontage, Murage, &c. much more when it is for the general defence of the Realm; first, in *quare impedit*, between two Common Persons, though the King be neither Plaintiff nor Defendant, yet the King shall recover therein. Many times in Case of a Common Informer, the King recovers the one Moiety, though not Party. So it was in the Case of Knighthood, though no Suite was depending. Again, all Writs in the Kingdom are the Kings Writs: though no Fine, much more here for the defence of the Realm; and it is usual for the Kings Attorney to compel men to perform charitable uses, and the King may question any one for them in the Case of *Aurum Regine*, by Process out of the Exchequer. Again, Where it is said *Quare ipse de prædicta summa super ipsum Assess. & non solut' in Scheda præd' Spec' onerari, & inde satisfac' debeat prout ulterius sibi præceptum, &c.* For though the Writ be in the Kings name, yet it is but for the performance of the work and charge; and though it appears not who were Collectors or Assessors, yet it appears it was done.

Upon publick Service Process goes forth in the Kings name, but it is not then so fit it should be expressed in particular for the King, when as it is for the general good only. Was not the Record made by my Brother *Denham*, though none more constantly or cheerfully did subscribe to his Majesties Letter; neither was the *Scire fac'* without his advice, being the aptest course, and better than Trespass.

Obj.

But the objection that he made was, That the King cannot do any wrong, nor take without Record; as in Seizure upon Outlawry, Attainder, or the like: and in this Case there is no Record upon the Writ 4. *Aug.* no Judgment, &c.

Resp.

I answer, This *Scire fac'* is not annexed to the Writ, &c. as a new Action that Mr. *Hampden*, *Oneretur & inde satisfaciet*, and after that Judgment upon the Writ, and upon his saying nothing why *revocetur*, there shall be a good Record upon which he shall be charged, 3 *Q. Eliz.* L. *Dier*, 156. *Ignoramus* is sufficient title for the King, and ground for a *melius inquirend'*.

Obj.

No *Scire fac'* lies upon the tenor of a Writ 39 *Henr.* 6. fol. 34. 21 *Eliz.* L. *Dier*, fol. 205.

Resp.

I answer, a *Scire fac'* upon a Recognizance will lie in Chancery, but upon the Record there, yet in a Debt, often an Action of Debt lies upon the tenor of a Record, 39 *Henr.* 6. the doubt was because the Party might be subject to a double Execution, else one upon the Record there, and another upon the tenor of the Record in another Court 33 *Edw.* 3. title tenure by transcript 8 *Henr.* 5. F. H. Error' *Scire facias* Register fol. 51. Record was before the Justices of the Kings Bench, the tenure was out of the Treasury to the Barons of the Exchequer, and it is the usual Order, if Recognizance be forfeited, to certify the tenor of the Recognizance; so of a Fine of Amerciament, &c. to certify the Transcript: so the Transcript was sent from *Ireland* upon an Act of Parliament, a *Scire fac'* thereupon went against *Hebron Baron* in *England*; so in Debt upon the Transcript of a Record from *Ireland* a *Scire fac'* here went forth.

Obj.

Objected it was in the last place by my Lord Chief Baron, that Judgment in this Case would be fruitless, and none should take benefit by it upon this Record, and he puts divers Cases wherein Judgment in such Case ought not to pass.

Resp.

I answer, My Lord Chief Baron, with a Judgment of his own Case  
of



of Knighthood, relolved here in this Court; the Case was this, The King by Writ 5 *Januarii*, in the first of the Kings Majesties Reign, commanded the Sheriff of *Barkshire*, that all that had 40*l.* a Year, should be in the Chancery 31 *Januarii* following, to take upon them the Order of Knighthood, Sir *Jo. Darrel* Sheriff of *Barkshire*, made his return (as the Sheriff of *Buckingham* here) all that are not Knights under the name of *Illorum*, and sets down their names; *Mittimus* thereupon went out of the Chancery, reciting the substance of the former Writ, *Vobis mittimus presentibus, &c.* with a Clause to enquire after such as were not returned, and to Fine them; and upon this Writ of *Distringas* to the Sheriff, my Lord Chief Baron and my Brother *Denham* know what Judgment was given; wherein I observe,

1. Not the Record but the Tenor of the Record was sent into the Exchequer, yet returnable in the Chancery.
2. For returning the names of the Defaulters, done there as here.
3. Upon the *Distringas* thereupon, was had Execution, much more then here upon the *Scire fac.*
4. There was no more Judgment of Record to warrant it than here in this.

Now I come to conclude, I have been somewhat too bold in taking more time than is usual, but I did it to satisfie my own heart, according to which I must give my Judgment. What I have omitted, I refer to the rest of my Brothers that went before me, and to my Lord Chief Justice that comes after me. The Reasons I shewed you whereupon I conceive by the Common Law and Fundamental Policies of this Kingdom, that the King, may charge his Subjects for the defence of this Kingdom; and that the King may charge his Subjects to contribute towards the defence thereof when it is in danger; and I hold that the King is sole Judge of the danger, and ought to direct the means of defence: and therefore this Writ of *Scire fac.* and all the Proceedings in this Case are well grounded according to Law. My Opinion therefore is, that Mr. *Hampden* shall be charged with the 20*s.* assessed; and that my Lord Chief Baron ought to give Judgment accordingly.

Edward Hide Esq; afterwards Lord Chancellor of England, his Speech in Parliament at the carrying up to the Lords the Opinion of the House of Commons in the Case of Ship-money.

My Lords,

**T**here cannot be a greater Instance of a sick and languishing Commonwealth, than the business of this day. Good God! how have the Guilty these late years been punished, when the Judges themselves have been such Delinquents. 'Tis no marvel that an irregular, extravagant Arbitrary Power, like a Torrent, hath broke in upon us, when our Banks, and our Bulwarks, the Laws, were in the Custody of such Persons. Men who had lost their Innocence could not preserve their Courage, nor could we look that they who had so visibly undone us, themselves should have the virtue or credit to rescue us from the Oppression of other Men. It was said by one who always spoke excellently, That the twelve Judges were like the twelve Lions under the Throne of Solomon, *Under the Throne in Obedience, but yet Lions:* Your Lordships shall this day hear of six who (be they what they will be else) were no Lions, who upon vulgar fears delivered up the pretious Forts they were trusted with, almost without assault; and in a tame easie Trance of Flattery and Servitude, lost and forfeited (shamefully forfeited) that Reputation, Awe, and Reverence, which the Wisdom, Courage, and Gravity of their Venerable Predecessors had contracted and fastned to the places they now hold, and even rendred that Study and Profession, which in all Ages hath been, and I hope now shall be of an Honourable Estimation, so contemptible and vile, that had not this blessed day come, all men would have had that quarrel to the Law it self, which *Marcins* had to the *Greek* Tongue, who thought it a Mockery to learn that Language, the Masters whereof lived in Bondage under others. And I appeal to these Unhappy Gentlemen themselves, with what a strange Negligence, Scorn, and Indignation, the faces of all men, even of the meanest, have been directed towards them, since (to call it no worse) that fatal Declension of their Understandings in those Judgments of which they stand here charged before your Lordships.

But (My Lords) the Work of this Day, is the greatest Instance of a Growing, and Thriving Commonwealth too, and is as the Drawing of a fair and lasting Day of Happiness to this Kingdom.

It is in your Lordships Power (and I am sure it is in your Lordships will) to restore the dejected broken People of this Island to their former Joy and Security, the Successors of these Men to their own Privilege and Veneration: *Et spultas prope leges revocare.*

So these Judges enter themselves and harden their Hearts by more particular Trespases upon the Law: by Impositions and Taxes upon the Merchants in Trade: by Burdens and Pressures upon the Gentry in Knighthood before they could arrive at that universal Destruction of the Kingdom by *Shipmoney*, which promised reward and security for all their former Services, by doing the Work of a Parliam. to his Maj. in Supplies,  
and



and seemed to delude Justice, in leaving none to judge them, by making the whole Kingdom party to their oppression.

My Lords, the Commons assembled in Parliament hope that your Lordships will call these Judges speedily before you to answer these Articles laid to their charge, that the Nation may be satisfied in your Lordships Justice upon them, as their Crimes merit.

*A Letter of the Tenor following was written to the Lord Major and Sheriffs of the City of London.*

**A**fter, &c. Whereas his Majesty hath sent you his *Writ to provide two Ships 560 Tuns* apiece, beside Tonnage, to be furnished with Men, Tackle, Munition, Victual, and other necessities, to set forth for the safeguard of the Seas, and defence of the Realm, at the charges of the City of London and the Liberty thereof. And by the said Writ hath commanded that you shall without delay make an Assesment, and after proceed on in the further execution of that Service, as by the said Writ appeareth. We are by his Majesties Direction and express Commandment to let you know, that he hath upon important and weighty Reasons, concerning not onely his Majesties own Honour, and the ancient Renown of this Nation, but the safety of your selves, and all his Subjects, in these troublesom and Warlike times, sent out the aforesaid Writ to you, and the like unto all other Counties, Cities, and Towns throughout the whole Kingdom, that as all are concerned in the mutual defence one of another, so all might put to their helping hand for the making of such preparations as (by the blessing of God) may secure this Realm against those Dangers and Extremities which have distressed other Nations, and are the common Effects of War, whensoever it taketh a People unprepared. And therefore as his Majesty doubteth not of the readines of all his Subjects, to contribute thereunto with chearfulness and alacrity, (wherein the City of London, as being the most eminent place, ought to give example to all the rest) so he doth especially require your care and diligence in the ordering of this business so much concerning his Majesty and all his People, that no inequality or other miscarriage may either retard or disgrace the Service, which in it self is so just, honourable, and necessary. For which cause we have, by his Majesties directions sent you, together with the said Writ, these ensuing Advices and Instructions, for your better proceedings.

I. Therefore, because perhaps you are not thoroughly acquainted with the Charge of such Maritime Preparations, and the mistaking thereof might hinder the Service: We have thought good to let you know, that upon a due and just calculation, we find that the charge of two Ships of that burthen so manned and furnished, will be 14000*l.* which you are to levy according to his Majesties desire, and the intention of this Board, with as much equality and indifferency as possibly you may, using the Power given you by the said Writ, with such moderation as may occasion the greater readines in all to contribute, and may give no cause to any to grudge or repine for any partiality or inequality in the Assesments.

II. When

II. When you have settled the General Assessment, we think fit that you should subdivide the same, and make the particular Assessments in such sort as other common payments upon that City and the Liberties thereof are most usually subdivided and assessed.

III. And to the end this may be effected with more equality and expedition, you may give direction to the Aldermen in their several Wards, and their Deputies, and send forth your Warrants to the Constables of the several Precincts, requiring them to call unto them some of the most discreet and sufficient men of every Precinct, to consider with them how the Sum charged upon each Precinct may be distributed and divided with most equality and indifferency, and to return the same to you in Writing under their Hands, with all possible expedition. Which being done, you are to sign the Assessment set on the several persons of every particular Parish, if you approve thereof. And if for inequality you find cause to alter the same in any part, yet after it is so altered, you are to sign the same, and keeping a true Copy thereof, you may thereupon give order for the speedy Collecting and Levying of such Sums accordingly, by such as are usually implored for Collections of other common Charges and Payments. And when any shall be by them returned to you, either to have refused or neglected to make payment, you are without delay to execute the Writ upon them, causing Distresses to be taken of them, and to be sold for payment of their Assessments and the just Charges thereupon arising, and the Overplus of the Distresses to be rendered back. In the said several Assessments of each Parish, you are to cause to be particularly expressed how much every Clergy man is rated, &c. As in the Fourth Instruction of the Letter entered at large.

IV. As in the Fifth Instruction of the Letter aforesaid.

V. If any Constables or other Officers refuse or neglect to do their Duties, &c. as in the Sixth Instruction of the said Letter at large.

VI. If you find or understand of any persons that are refractory, or that do unnecessarily delay the payment of what shall be assessed upon them for the said Service, whereof you must frequently and often call for an Accompt from the Constables, Officers, and others intrusted under you, you are presently without any delay, partiality, or respect of persons, to proceed roundly with them (of what Quality or Condition soever they are) according to his Majesties Writ, and not to defer meddling with them to the last, or until others have paid, as was done by some Sheriffs of Counties in former Years, whereby all the trouble and burthen was cast upon the end of the Year: and those that were refractory gained time above those that were well-affected to the said Service.

VII. Lastly, and for all other matters not particularly mentioned in these Instructions, you must upon all occurrences govern your selves according to the Writ to you directed, and as may best accomplish the Service committed to your trust, wherein you are to use all possible diligence to effect the same with speed, that the money for this Service may be timely collected and paid, as that provisions may be seasonably bought and provided, to furnish and set forth the Fleet at the day expressed in his Majesties Writ. And as you shall herein perform your duties with diligence, you may be assured to recover both favour and thanks from his Majesty. And so we bid, &c.

Dated and signed *at ante.*

Alfo



Also a Letter to the same effect sent with his Majesties Writs to the Sheriffs of the several Counties of *England* and *Wales*.

*The Substance of the Lord Falklands Speech in Parliament, concerning Ship-money.*

Mr. SPEAKER,

**T**He Constitution of this Common-wealth hath established, or rather endeavoured to establish to us *the Security of our Goods*, and *the Security of those Laws* which would secure us and our Goods, by appointing for us *Judges*, so settled, so sworn, that there can be no oppression, but they of necessity must be necessary; since if they neither deny nor delay us Justice, which neither for the great nor little Seal, they ought to do; the greatest Person in this Kingdom cannot continue the least violence upon the meanest. But this Security hath been almost our ruine; for it hath been turned, or rather turned it self into a Battery against us: and those persons who should have been as Dogs to defend the Sheep, have been as Wolves to worry them.

*These Judges*, to instance not them onely, but their greatest crime, have delivered an Opinion, and Judgment in an extrajudicial manner, that is, such as came not within their cognizance, they being Judges, and neither Philosophers, nor Politicians. In which when that is so absolute and evident; the Law of the Land ceases; and of general Reason and Equity, by which particular Laws at first were framed, returns to his Throne and Government, where *Salus Populi* becomes not onely *suprema*, but *sola lex*; at which, and to which end, whatsoever should dispense with the King, to make use of any money, dispenses with us to make use of his, and one anothers. In this Judgment they contradicted both many and learned Acts and Declarations of Parliaments; and those in this very Case, in this very Reign, so that for them they needed to have consulted with no other Record, but with their Memories.

2. They have contradicted apparent Evidences, by supposing mighty and eminent dangers, in the most serene, quiet, and halcyon days that could possibly be imagined, a few contemptible Pirates, being our most formidable Enemies, and there being neither Prince nor State, with whom we had not either Alliance, or Amity, or both.

3. They contradict the Writ it self, by supposing that supposed danger to be so sudden, that it would not stay for a Parliament, which required but forty days stay, and the Writ being in no such hast, but being content to stay seven times over.

It seemed generally strange, that they saw not the Law which all men else saw, but themselves. Yet though this begot the more general wonder, three other particulars begot the more general indignation.

When they had allowed to the King, the *Sole Power in Necessity*, the *Sole Judgment of Necessity*, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to persuade us, that they had left us our Liberties and our Properties.

And, which I confess moved most, that by the transformation of us from

from the state of Free Subjects (a good Phrase, under Doctor *Heylins* favour) unto that of Villains, they disable us by legal and voluntary Supplies to express our affections to his Majesty, and by that to cherish his to us, that is, by Parliaments.

The Cause of all the miseries, we have suffered, and the Cause of all the Jealousies we have had, that we should yet suffer; is, That a most excellent Prince hath been most infinitely abused by his Judges, telling him that *By Policy he might do what he pleased*.

We must now be forced to think of abolishing of our grievances, and of taking away this Judgment and these Judges together, and of regulating their *Successors* by *their exemplary punishment*.

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*Mr. St. Johns Speech to the Lords in the Upper House of Parliament, January 7. 1640. Concerning Ship-Money.*

MY LORDS,

**T**He Knights, Citizens, and Burgeses of the Commons House, have intrusted me with a Message to your Lordships, of a general and a very high Concernment; so general, that the whole Body of the Kingdom, both Peers and People, are interested in it; of so high a consequence, as that there is nothing that can concern us nearer.

It is one of the *Grandia Regni*, so great, as that I shall not need to present it to your Lordships in a Multiplying-Glass, it will appear too big in its own dimensions.

2. It is not that Shipmoney hath been levied upon us, but it is that Right whereby Shipmoney is claimed; which if it be true, is such as that it makes the payment of Shipmoney the gift and earnest penny of all we have.

It is not that our persons have been imprisoned for payment of Shipmoney, but that our persons and (as it is conceived) our lives too, are upon the same ground of Law, delivered up to bare Will and Pleasure.

It is that our Birth-right, our Ancestral-right, our condition of continuing Free-Subjects is lost; that of late there hath been an endeavour to reduce us to the state of Villainage, nay to a lower.

It is true, the Lord might tax his Villain *De haute & de basse*, might take all his Lands and Goods, the Villain had no Property against the Lord, the Villain he could not *Ire quo voluit*, he had no liberty of person, the Lord might imprison him at his pleasure; but the Villains Life was his own, and not his Lords, the Law secured him that. But, My Lords, as the Law stands now declared, it is disputable, whether it doth so much for us.

My Lords, The subject of this Message is, to present the sense of the Commons to your Lordships; That the Laws of the Realm instituted at first, and freely assented unto, and chosen by their Ancestors for the preservation of themselves and Us their Descendants, in our Persons, Lives, and Estates, have been of late intrusted unto such hands, as have endeavoured



voured to force upon them a contrary end to that for which they were ordained, from Defensive to turn them to Offensive; and in stead of Protecting us, to make the Laws the Instrument of taking from us all we have. Those carriages which have produced this Sense of the Commons, I am commanded at this present to declare to your Lordships.

They are certain Extrajudicial Opinions delivered by the Judges at several times, the one in *November 1635.* the other a year after in *February 1636.*

The Shipwrits that have issued to all the Counties of *England*, for these many years last past without intermission: The principal thing in these Writs which I am to present to your Lordships, is not the Charge and Burthen which hath been thereby imposed upon the Subjects, though that be great, but the declarations in them of the Law, and of the Right whereby this burthen may be imposed.

The last is, that Judgment in Master *Hampdens* Case in the Exchequer upon these Shipwrits.

My Lords, The two last, that is, the Shipwrit, and the Judgment, because they are very long, I am onely to open them without reading, and to deliver them to your Lordships; the other two I am to read them, and then to deliver them to your Lordships.

### *Ship-money.*

The first Opinion in *November 1635.* was read,  
as followeth.

**I** Am of opinion, that as where the benefit doth more particularly redound to the good of the Ports or Maritime parts, as in case of Piracy or Depredations upon the Seas, there the charge hath been, and may be lawfully imposed upon them according to presidents of former times; so where the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, (of which his Majesty is the onely Judge) there the charge of the Defence ought to be born by all the Realm in general. This I hold agreeable both to Law and Reason.

My Lords, these opinions were delivered by the Judges severally and apart, they were procured by the solicitation of my L. Finch; The Judges as he severally procured their hands, were by him enjoined Secresie accordingly; these Opinions walked in the dark for a Year and upwards: afterwards the procurer of them, my Lord Finch, liked them so well, as that he presumed to deliver them to his Majesty. By his procurement a Letter was directed from his Majesty to the Judges for the delivery of their opinions in these, and some other additional. The former that hath been read is more modest, it is onely that his Majesty is the sole Judge of the danger, and that the Island as well as the Maritime Towns are chargeable to the defence of the Kingdom.

It is not declared in these, that this charge may be imposed by his Majesty alone, for the expression is onely, that the charge may lawfully be imposed, say not by whom.

In the other Opinions they proceed à malo ad pejus, and speak plain English, which follow *in hæc verba*.

## The C A S E.

CHARLES REX,

**W**hen the Good, and the Case and Safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King by Writ under the Great Seal of England, Command all the Subjects in this Kingdom at their charge, to provide and furnish such number of Ships with Men, Victuals, and Munition, and for such time as he shall think fit, for the defence and safeguard of the Kingdom from such danger and peril, and by Law compel the doing thereof, in case of refusal or refractoriness; and whether in such case, is not the King the sole Judge both of the danger, and when, and how the same is to be prevented and avoided?

C. R.

## Judges Answer.

**M**ay it please your most excellent Majesty, we have according to your Majesties Command, severally, and every man by himself, and all of us together, taken into serious consideration the Case and Questions signed by your Majesty, and enclosed in your Royal Letter; and we are of opinion, that when the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom is in danger, your Majesty may by Writ under the Great Seal of *England*, command all the Subjects of this your Kingdom, at their charge to provide and furnish such number of Ships, with Men, Victual, and Munition, and for such time as your Majesty shall think fit, for the Defence and Safeguard of the Kingdom, from such danger and peril: And that by Law your Majesty may compel the doing thereof, in case of refusal or refractoriness; And we are also of opinion, that in such case your Majesty is the sole Judge both of the danger, and when, and how the same is to be prevented and avoided.

These Opinions were subscribed by all the Judges in Serjeants-Inn-Hall; they were afterwards published in the Star-Chamber, that the Subjects might take notice of them; and that they might never be forgotten, they are enrolled in all the Courts of *Westminster-Hall*, in *perpetuam Rei memoriam*: Your Lordships will be pleased to give me leave to repeat them in their plain and legal sense; which I conceive to be thus:

That his Majesty, as often as himself pleaseth, may declare that the Kingdom is in danger; That so often, for prevention of such danger, his Majesty by his Writ under the Great Seal of *England*, may alter the property of the Subjects Goods, without their Consent in Parliament, and that in such proportions as his Majesty shall think fit; and besides the altering of the Property of their Goods, for the prevention of such danger, may deprive them of the liberty of their Persons, and of their Lives, and that in such manner as himself shall please.

i. The



1. The first of these (*viz.*) that his Majesty may declare the danger, as often as he pleaseth, is made good in these words, *That the King is the sole Judge of the danger, and when the same is to be prevented and avoided.*

2. The second, That so often he may alter the property of the Subjects Goods, without consent in Parliament, in these words; *That his Majesty may, by Writ under the Seal of England, command and compel all the Subjects of the Realm, at their charge, to provide and furnish Ships.*

3. That this may be in what proportion his Majesty shall please, in these words; *That his Majesty may command them to provide and furnish such number of Ships, with Men, Victuals, and Munition, and for such time as his Majesty shall think fit.*

4. The last (*viz.*) that which concerns our Persons, in these two Clauses.

1. *That his Majesty, in case of refractoriness, may compel the doing of it;* This compulsion in case of refractoriness, includes the Person, as well as the Estate: Nay, it sounds more in the Personality than otherwise. For the other, *viz.* Whether this Personal Compulsion may extend so far as to Life, I humbly leave it to your Lordships considerations, upon the other Clause; that is, *That his Majesty is the sole Judge of such danger, and when, and how the same is to be prevented:* whether the words, *how it is to be prevented,* in this case of Personal Compulsion, doth not leave the manner of it wholly in his Majesties breast.

My Lords, If these Opinions extend onely to Ship-money, it is enough; his Majesty takes what he will, and when he will; if all be taken to day, and afterwards by dissent or my own labour, I get a new Stock or livelihood, that is no more mine than the former; so that there is no Property left unto the Subject, though the opinions go no further. But, my Lords, Ship-money is not the whole extent of them, Ship-money, by these opinions, is not due by any peculiarity in Ship-money: but Ship-money is therefore due, because his Majesty is the sole Judge of the danger of the Kingdom, and when, and how the same is to be prevented, because his Majesty for the defence of the Kingdom, may at his will and pleasure charge the People; this is the ground: and upon the same reason the Compulsion may be as well for the making and maintaining of Castles, Forts, and Bulwarks, making of Bridges, for transporting his Armies, for provision of Wages and Victuals, for Souldiers, for Horses and Carriages, it may be multiplied in *infinitum.*

It may be done when the good and safety of the Kingdom is concerned, this extends to all things, and at all times, *Qui jacet in terra, non habet unde cadat.*

If these opinions be Law, I humbly leave it to your Lordships considerations, whether the Government be not *Imperium legibus solutum.* The next thing I shall offer to your Lordships, is the Ship-writs; a Transcript of one of them directed to the Sheriff of *Dorsetshire*, I shall deliver; all the rest being of the same Form. Because that Writ is long, I shall open it briefly; it is to this effect.

There is a Declaration in it, that *Salus Regni periclitabatur*, that the safety of the Kingdom was in danger.

Therefore the Inhabitants of the several Counties are commanded for the Defence of the Kingdom, for the Custody of the Seas, for

the Safeguard of the Merchants from Piracy, inward and outward, that they should provide a Ship of War, furnished with Guns, Gun-Powder, double Tackle, and all other necessaries; and this Ship thus furnished at a day set, to be brought to *Portsmouth*, to be provided for 26 Weeks of Mariners Wages, Victuals and other necessaries, and for the doing of this, Authority is given to the Sheriffs of the several Counties, to assess every of the Inhabitants *secundum statum & facultates suas*, according to their Estates and Means; and further power given him by Distraining and selling of the Distress to levy these Moneys, *Si contrarios invenerit*, then to imprison their Persons. And further declares, That all this may be done, *secundum Legem & consuetudinem Regni*. The sense I conceive is briefly thus: That by the Laws of the Kingdom, when his Majesty shall declare that the Kingdom is in danger, he may alter the Property of the Subjects Goods, and imprison their Persons; nay, that not onely his Majesty, but the Sheriffs may imprison their Persons. By the Law the Lord might imprison his Villain, but could not transfer that Power to his Bailiff, or to any other, it was Personal. That the execution of this Power over the Persons of the Subjects hath gone no further than their Imprisonment, whether therein we be not wholly beholden to his Majesties Grace and Goodness, and nothing at all to the Opinions of the Judges, I leave it to your Lordships considerations.

The last thing is, the Judgment in the Exchequer, in the thirteenth year of his now Majesties Reign, against Master *Hampden*, the Record is very long, I shall briefly open it to your Lordships, *Quarto Augusti 11 Caroli*, there issued Ship-writs to the several Counties, amongst the rest to the County of *Bucks.* the Sheriff assessed the Inhabitants; some of them made default, and did not pay; upon a *Certiorari* out of the Chancery, directed to the Sheriff, he certifies the Persons that made default, together with the Summons assessed upon them. From the Chancery by *Mittimus*, these Certificates were sent into the Exchequer, to the intent Process might issue against the defaulters. A *Scire Facias* issued to the Sheriff of *Bucks.* who thereupon amongst other, returns, that Master *Hampden* hath been assessed Twenty shillings, for some Lands in *Stoke-Mandevil* in that County, which he had not paid, Master *Hampden* appeared, and upon his appearance demands *Oyer* of the Ship-writs, and the other Proceedings, after his hearing thereof and understanding the Contents, he demurs in Law, that is, demands the Judgment and Opinion of the Judges, whether this Writ was sufficient in Law, and to force him to pay the said Twenty shillings.

This being a great and general case, the Barons of the Exchequer desired the assistance of the rest of the Judges, who did join accordingly. The Case came to be argued, there were four Arguments, two on Master *Hampdens* side, and two on the other side, the first was in *Michaelmas* Term, after *Alhallontide*, and all the four Arguments were speeded before Christmas day, two of them in the Term, and no longer time would be procured for the rest, but the short Vacation between *Michaelmas* Term and *Christmas*, it was a Case of so little concernment, that whereas in *Westminster-Hall*, Term after Term is usually given to argue any demurrer, this must be argued betwixt *Alhallontide* and *Christmas*, throughout after the Arguments, the Council on both sides were commanded to bring before the Judges the Records and Authorities cited, they were brought,

and



and for the ease of the Judges, many of them on Mr. *Hampden's* part were abbreviated on the backside, those abbreviations were commanded to be expounded; afterwards the Case came to Argument at the Bench, there the Case was judged, and by the greater part of the Judges judgment was given against Mr. *Hampden*; when the Judges had delivered their Opinions, it was the Barons part to give judgment; the Judgment was, *Quod separalia brevia prædict. & return. eorundem ac Schedulum prædict. eisdem annex. ac materia in eisdem content. suffecerit in lege existen. ad præfatum Ioannem Hampden de prædict. viginti solidis super ipsum in forma & ex causa prædict. assessis onerand. Ideo consideratum est per eisdem Baron. quod prædictus Johannes Hampden de eisdem viginti solidis onerationem exinde satisfaciat.*

My Lords, this Judgment is a full and plenary execution of the former Opinions of the Judges, and of the Ship-writs, for so much as it concerns our propriety; It was given in Mr. *Hampden's* Case only; but binds all the Subjects for so binding; it is as that an Honourable person, now in my eye, in a Case depending in the Kings Bench, was denied any argument or debate, concerning the right of Ship-money, for no other reason, but that it had been by the former Judgment adjudged already in the Chequer,

My Lords, these extra-judicial opinions of the Judges, these Ship-writs, and this Judgment, are those carriages which have introduced this fence of the Commons, that the fundamental Laws of the Realm concerning our property and our persons are shaken.

My Lords, The Commons have taken the extrajudicial opinions published and inrolled, and the rest severally into consideration, they have been read openly in the House, and after long debate, and long rather in consideration of the greatness of the matter, than of the difficulty of it, they came to vote, four several Votes passed upon them, the Votes passed without so much as one Negative voice to any of them.

The Votes were in substance, that they were against the Laws of the Realm, the Right of the Property, the Liberties of the Subject, contrary to the former resolutions in Parliament, and to the Petition of Right.

The extrajudicial Opinions inrolled, they Voted in the whole, and every part of them to be contrary to all these, for they did conceive that in these Opinions, there was not any one Clause that was agreeable to the Law, but that throughout they were contrary to the Laws.

My Lords, The things which the Commons took into their consideration, before they proceeded to their Votes, were the proceedings in the Parliament held 3 Car. when the Petition of Right was framed.

The Commons went no higher, the Reason inducing them thereto, was, because in that Parliament all those three had been debated, Propriety of Goods, Liberty of Persons, and Security of our Lives.

Two of them, that is, Propriety of Goods, and Liberty of Persons, by the occasions of the Commissions for the Loan, and the Instructions wherewith these Commissions were accompanied, that concerning our lives, by occasion of the Commissions that had issued, for the executing of Martial Law.

They conceive, that if any thing concerning these had passed both Houses and his Majesty, or the judgment of both Houses without his Majesty, it would be in vain to look further, that it would be *actum agere*; Nay, my Lords, they had a farther consideration, that if those were already

already settled in that *Parliament*, it would not only be derogatory to the *Jurisdiction* of *Parliament*, but dangerous to look higher as that they would infer a defect in those Proceedings, and cast an aspersion upon that *Parliament*; I am commanded now to present to your *Lordships* considerations, those things which satisfy the *Commons*, which are these three:

1. The Commissions for the *Loans*, with the Instructions.
2. A Commission called the Commission of *Excise*.
3. An *Addition* of *Saving*, which was desired by your *Lordships* to have been added to the Petition of Right, at the time of the framing of it.

The Case upon the Commission for the *Loan*, standeth thus:

13. *Octob. 2 Caroli*, divers Commissions were directed to sundry Commissioners, to the number of sixty or seventy Lords and Gentlemen, in the several Counties issued, whereby a compulsory Aid by way of *Loan* was required of the Subject; the causes and grounds of this Demand are in the Commissions expressed to be these:

The King found the Crown engaged in a War, by advice of both *Houses* of *Parliament*; that not only the King and the Subject; but also his Allies beyond-Sea, were in danger.

The parts beyond-Sea where our Cloth is vented, and from whence we have most of our Provision for Shipping, were endangered; His Majesties Treasures were exhausted, and his Coffers empty. A *Parliament* had been summoned, but no Supply.

Unavoidable necessity both at home and abroad, multiplied the enemies: Great and mighty preparations, both at Sea and Land, threatened the Kingdom daily.

Not only the Kings honour, but the safety and very subsistence of the King and *People*, and of the true *Religion* abroad, are in apparent danger of suffering irreparably, unless not only a speedy, but also a present stop be made; which cannot admit so long delay as the calling of a *Parliament*: The *People* assured on the Royal Word of a King, that not one penny should be bestowed, but upon those publick services only, wherein every of them, and the whole body of the Kingdom, their Wives, Children, and Posterity, have their personal and common Interests.

The Commissioners diligence commanded as they tendred the Kings honour, and safety of the *Realm*; Here *Salus Regni periclitabatur*, the whole Kingdom was in danger, as in the *Judges* Opinions, and as in the Shipwrits and judgment in the Exchequer. Nay, my Lords, further; the safety and very subsistence of the King, *People*, and true *Religion* were in danger of suffering irreparably, the dangerous instance, not a speedy, but a present stop must be made, the supply could not stay for a *Parliament*; at this time his Majesties Coffers were exhausted, the King found the Crown engaged in this War, before the Access of it to himself, and that by advice in *Parliament*; all this expressed, only lending of Monies for prevention required; but it was a compulsory thing, and became compulsory, by the instructions to bind over to the board, and imprisonment for refusal. These Commissions were in the *Parliament*, 3 *Car.* First resolved in the *Commons House* to be against Law, afterwards by your Lordships, and consented unto by his Majesty, and are declared to be so in the Petition of Right, and the imprisonment of the Subjects

for



for refusal, declared in the Petition of Right to be against Law.

*My Lords,*

The next is the Commission called the Commission of *Excise*, this was dated *ultimo Febr.* it was dated after the Summons to that Parliament: This Commission issued to thirty three Lords, and others of his Majesties Privy Council; the Commissioners are thereby commanded to raise Moneys by Impositions, or otherwise; as in their judgments they shall find to be most convenient.

The causes wherefore these Moneys are to be raised are expressed to be these:

The defence and safety of the King and People, which without extreamest hazard of the King, Kingdom, and People, and of the Kings Friends and Allies beyond Seas, cannot admit no longer delay: inevitable necessity, wherein form and circumstance must rather be dispensed withal, than the substance lost.

The Commissioners not to fail therein, as they tendred his Majesties Honour, and the safety of the Kingdom and People.

Here *Salus Regni periclitabatur*, the whole Kingdom declared to be in danger, in greater and nearer, than in the opinions of the Ship-writs or Judgments in the Chequer.

In the Parliament, 3 *Caroli*, this Commission was adjudged by the *Commons* to be against the Laws of this Realm, and contrary to the Judgment given in the Petition of Right, and after a conference with your Lordships, desired his Majesty that it might be cancelled: The then Lord-Keeper shortly after brought it cancelled to your Lordships in the House, and there said it was cancelled in his Majesties presence: You sent it cancelled to the *Commons* to be viewed, who afterwards sent it back to your Lordships.

*My Lords,* The last is the addition of saving, desired to be added to the Petition of Right, which was in these words:

We humbly present this Petition unto your Majesty, not only with a care of preserving our own Liberties, but with due regard to leave entire the Sovereign power, wherewith your Majesty is trusted, for the Protection, Safety, and Happiness of Your People: Your Lordships Desire of this addition to the Petition of Right, was taken into consideration by the Commons; and after debate, it was thought fit by them to be rejected. A Conference was had with your Lordships, and Mr. *Noy* appointed by the Commons to declare the reasons of their resolution. Your Lordships not receiving satisfaction at that Conference, whether this Addition should be rejected or not: It was again debated in the Commons House, they ventured upon the same bottom again; It was thereupon resolved to be rejected, the reasons of their rejections were these in Summe.

First, They confess, that if these words were taken as a bare proposition only, without any further reference to the Petition of Right; that it was a true proposition.

That is, that the Law hath trusted the King with Sovereign power for the protection, safety, and happiness of the People.

But if it should be added to the Petition of Right, as was desired; then was it not true, but would make the Petition of Right *felo de se*, and wholly destructive to it self in all the parts of it; that it would proceed *à bene divisis, ad mala conjuncta*: For then the Petition of Right, as they resolved, would have this sense.

Whereas

Whereas in the Petition of Right, it is said, that no Aid Tax, Tallage, or other Charge whatsoever, may be imposed upon the People, without their free Consent in Parliament; it would have this construction. It is true, it cannot be done by the Kings ordinary power, but it may be done by that Sovereign power wherewith the Law hath entrusted his Majesty for the protection, safety, and happiness of the People.

So likewise for imprisonment, that they ought not to be imprisoned without due Process of Law. It is true ordinarily, that the King may imprison by his Sovereign power, wherewith the Law hath entrusted him for the protection, safety, and happiness of the People.

So that, for that Martiel Law, That the Subjects Lives ought not to be taken away, unless by due Process of Laws: It is true ordinarily, but the King may do it by his Sovereign power, wherewith the Law hath entrusted him for the protection, safety, and happiness of the People: Whereby they conceived that it would not only make the Petition of Right to be wholly destructive of it self, but likewise this Petition of Right would leave the Subjects in a far worse condition than it found them; for it would necessarily infer, that which is against the Law: *viz.* that the King by his Sovereign power, when he pleased to declare that it was for the Good of the People, might do all this.

Your Lordships at a Conference of both Houses, engaged on the part of the Commons by Serjeant *Glanville*, and Sir *Henry Martin*, received satisfaction from these reasons; and consented to the Leaving out of this Addition; and accordingly, the Petition of Right passed, and is printed without it.

*My Lords*, These were the things I was commanded to present unto your Lordships: Other things there were, as the Sentence against Bishop *Manwaring*; but these weighed so much with the Commons, as that they conceived they needed no more.

*My Lords*, These Presidents of that Parliament, and these Opinions of the Judges, the Ship-writs, and the Judgments in the Exchequer; they are like the two Buckets of a Well, if one go up, the other must go down: *Non bene conveniunt.*

*My Lords*, We have not cited these Presidents out of diffidence that your Lordships had forgotten them; but because others have; or that we distrust your Lordships Justice, if you had forgot them. For before these were, your Lordships concurred in opinion with your worthy Ancestors, that first gave them. Their Noble blood runs in your veins. It is now to confirm your own Judgments as well as theirs: In your Lordships breasts, there are the same Magazines and Fountains of Honour and Justice, as were then; these Judgments and proceedings were the Actions of both Houses, the danger by the violation is equal.

The Commons see nothing in the Judges opinions or judgment, why they should recede from their former judgments, they hope the same from your Lordships.

Besides, *my Lords*, that the Case is now much varied from what it was then; not only in the matter, but as it concerns the Honour and Jurisdiction of this great Judicatory, the Parliament.

The breach of Priviledges in the members is tenderly resented, because that without this freedom, they cannot advice and consult concerning the *Ardua Regni.*



But when they have done all, to have their Judgments and their Acts of Parliament overthrown by the Judges afterwards, this makes Parliaments to be nothing, this sets up the Judges above the Parliament, this puts us out of hope of redress; if they may overthrow the Proceedings of that Parliament of 3 *Caroli*, they may by the same reason overthrow the Actions of this, and of all future Parliaments.

*My Lords*, This was not the practice of their Predecessors; though but in private causes, if difficulty of Law arose, they always consulted this Oracle, and thence received their Answer how to give Judgment. Judgments in the *Highest Court of Westminster Hall*, I mean, in the *Kings Bench*; where the proceedings are (*coram Rege*) are here reverfable by Writ of Error. In causes of great and general concernment, they ever adjourned them hither, as things too high for them.

*Qui consulta patrum, qui leges juraque servat*, doth well; they have taken that in their hands they had not to do withal; and how they have handled the matter, your Lordships have heard.

The Judges, as is declared in the Parliament, they have here made themselves the Executioners of them; they have endeavoured the destruction of the Fundamentals of our Laws and Liberties. *Holland* in the *Low-countries* lies under the Sea, the Superficies of the Land is lower than the Superficies of the Sea: It's Capital therefore for any man to cut the Banks, because they defend the Country.

Roll of 11  
*Rich. 2.* are the  
Executors, of  
the Statutes  
and of the  
Judgments  
and Ordinances of Parlia-  
ment, they  
have here  
made.

Besides our own, even foreign Authors, as *Comenius* observes, that the Statute *de Tallagio*, and other old Laws, are the Sea-walls, and banks, which keep the Commons from the inundation of the Prerogative.

These Pioneers, they have not only undermined these Banks, but they have levelled them even with the ground.

If one that was known to be *hostis Patriæ*, had done this, though the damage be the same, yet the guilt is less.

But the *Conservatores Riparum*, the Overseers intrusted with the defence of these banks, for them to destroy them, the breach of trust aggravates, nay, alters the nature of the offence.

Breach of trust, though in a private person, and in the least things, is odious amongst all men; much more in a publick person, and in things of great and publick concernment, because great trust binds the party trusted to greatest care and fidelity.

It is Treason in the Constable of *Dover Castle* to deliver the Keys to the known Enemies of the Kingdom; because that Castle is the Key of the Kingdom: Whereas if the House-keeper of a private person deliver possession to his Adversary; it is a Crime scarce punishable by Law.

The Judges under his Majesty, are the persons trusted with the Laws; and in them, with the Lives, Liberties, and Estates of the whole Kingdom: This trust of all we have, is primarily in his Majesty; and from him delegated to his Judges.

His Majesty, at his Coronation, is bound by his Oath to execute Justice to his People, according to the Laws; thereby to assure the People of the faithful performance of this great trust. His Majesty again, as he trusts the Judges with the performance of this part of the Oath: So doth he likewise exact another Oath of them for their due execution of Justice to the People, according to the Laws; hereby the Judges stand intrusted with this part of his Majesties Oath.

If therefore the Judges shall do wittingly against Law, they do not only break their Oaths, and therein the common faith and trust of the whole Kingdom, but do, as much as in them lies, smear and blemish the Sacred Person of his Majesty with the odious and hateful sin of Perjury.

*My Lords*, The hainousness of this offence is most legible in the severe punishments which former Ages have inflicted upon those Judges, who have broken any part of their Oaths wittingly, though in things not so dangerous to the Subject, as in this Case in question.

*Sir Thomas Wayland*, Chief-Justice of the *Common Pleas*, *Edw. I.* was attainted of Felony for taking Bribes, and his Lands and Goods forfeited; as appears in the Pleas of Parliament, 18 *Edw. I.* and he was banished the Kingdom as unworthy to live in that State, against which he had so much offended.

*Sir William Thorpe*, Chief Justice of the *Kings Bench*, in *Edw. III.* time, having of five persons received five several Bribes, which in all amounted to 100 pounds; was for this alone adjudged to be hanged, and all his Lands and Goods forfeited, the reason of this Judgment is entred in the Roll in these words:

*Quia prædict. Willielmus Thorpe, qui Sacramentum Domini Regis erga Populum suum habuit ad custodiendum, fregit maliciose, false, & rebelliter quantum in ipso fuit; because that he, as much as in him lay, had broken the Kings Oath made unto the People, which the King had intrusted him withal.*

There is this notable Declaration in that Judgment; that is, that this Judgment was not to be drawn into example, against any other Officers who should break their Oaths, but only against those *Qui prædictum sacram fecerunt, & fregerunt, & habent leges Angliæ ad custodiendum*; that is, only to the Judges Oaths, who have the Laws intrusted to them.

This Judgment was given 24 *Edw. III.* the next year in the Parliament 25 *Edw. III.* it was debated in Parliament, whether this Judgment was legal; & *nullo contradicente*, it was declared to be just, and according to the Law: And that the same Judgment may be given in time to come upon the like occasion. This case is in point, that it is death for any Judge wittingly to break his Oath, or any part of it.

This Oath of *Thorpe* is entred in the Roll, and is the same *verbatim* with the Judges Oath, in 18 *Edw. III.* and the same which the Judges now take.

Your Lordships will give me leave to observe the differences between that and the Case in question.

First, That of *Thorpe* was only a Selling of the Law by retail to those five persons, for he had only five several Bribes of those five persons; the passage of the Law to the rest of the Subjects, for ought appears, was free and open.

But these Opinions are a conveyance of the Law by whole-sale, and that not to, but from the Subject.

In that of *Thorpe*, as to those five persons, it was not an absolute denial of Justice, it was not a damming up, but a streightning only of the Channel.

For whereas the Judge ought *Judicium reddere*, that is, the Law being the Birth-right and Inheritance of the Subject, the Judge when the parties in suit demand judgment should *redare*, freely restore this right unto them;



them; now he doth not *dare* but *vendere* with the hazard only of perverting Justice; for the party that buys the judgment may have a good and honest cause.

But these Opinions, besides that they have cost the Subjects very dear, dearer than any; nay, I think I may truly say, than all the unjust judgments that ever yet have been given.

Witness the many hundred thousand pounds which under colour of them have been levied upon the Subject, amounting to seven hundred thousand pounds and upwards in money paid unto the Treasurer of the Navy; besides what the Subjects have been forced to pay to Sheriffs, Bayliffs, and others, which altogether, as is conceived, amounts not to much less than a Million; Besides the infinite vexation of the Subjects by Suits in Law, binding them over to attendance at the Council-board, taking of them from their necessary Employments in making of Assesses, and Collections, and Imprisonments of their Persons.

I say, *my Lords*, besides what is past, to make our miseries compleat, they have, as much as in them lies, made them endless; for by these Opinions they have put upon themselves and their Successors an impossibility of ever doing us Right again, and an incapacity upon us of demanding it so long as they continue.

*My Lords*, in that fore Famine in the Land of *Ægypt*, when the Inhabitants were reduced to the next door to death; for there they say, *Why should we die for bread*? First, they gave their Money; next, their Flocks and Cattel; and last of all, their Persons, and their Lands for Bread, and all became *Pharaoh's*; but by this *Lex Regia*, there is a transaction made, not only of our Persons, but of our Bread likewise, where-with our Persons should be sustained. That was *for* Bread, this is *of* our bread. For, *my Lords*, since these Opinions (if we have any thing at all) we are not at all beholding to the Law for it, but are wholly cast upon the mercy and goodness of the King.

Again, There the *Ægyptians* themselves sold themselves, and all they had to the King; if ours had been so done, if it had been done by our own free consent in Parliament, we had the less cause to complain; but it was done against our wills, and by those who were trusted, and that upon Oath, with the preservation of those things for us.

*My Lords*, The Laws are our Forts and Bulwarks of defence: if the Captain of a Castle, only through fear and cowardise, and not from any compliance with the Enemy, surrender it; this is Treason; as was adjudged in the Parliament, 1 *Rich. II.* in the two Cases of *Grymes* and *Weston*, and in the Case of the Lord *Gray* for surrendring of *Barwick* Castle to the *Scots* in *Edw. III.* time, though good defence hath been made by him, and that he lost his eldest Son in maintenance of the Siege; and yet the loss of a Castle loseth not a Kingdom only, but the place and adjacent parts, without trouble to the Whole.

But by these opinions there is a Surrender made of all Legal defence of propriety, that which hath been preached, is now judged, that there is no *meum & tuum* between the King and the People, besides that which concerns our persons.

*My Lords*, The Law, it is the Temple, the Sanctuary, whither the Subject is to run for shelter and Refuge: Hereby it is become *Templum sine numine*, as was the Temple built by the *Roman Emperour*, who after he had built it, put no gods into it.

We have the Letter of the Law still, but not the sense.

We have the Fabrick of the Temple still, but the Goddes, the *Dii-Tutelares* are gone.

But, *My Lords*, this is not all the Case ( that is ) that the Law now ceaseth to aid and defend us in our Rights, for then possession alone were a good title, if there were no Law to take it away, *occupanti concederetur & melior esset possidentis conditio*. But this, ( though too bad ) is not the worst ; for besides that which is privative in these Opinions, there is somewhat positive For now the Law doth not only not defend us, but the Law it self is made the instrument of taking all away.

For whensoever his Majesty or his Successors shall be pleased to say that the Good and safety of the Kingdom is concerned, and that the whole Kingdom is in danger: Then when and how the same is to be prevented, makes our persons and all we have liable to bare Will and pleasure.

By this means, the Sanctuary is turned into a Shambles, the Forts are not slighted, that so they might neither do us good or hurt : But they are held against us by those who ought to have held them for us, and the mouth of our own Cannon is turned upon our selves.

*My Lords*, in these expressions, there is no reflexion upon his Majesty. It is only that those Judges would have forced upon the Law an unnatural and contrary motion, his Majesties carriage in the business cleers his Justice.

The first Opinion of the Judges under their hands, was procured by my Lord *Finches* solicitation only, and by him brought to his Majesty. These Opinions procured the Letter from his Majesty for the Opinions inrolled, wherein, as likewise in the Case in the Chequer, the Judges were left free, as was acknowledged by two of the Judges in the Chequer-Chamber, who argued against those Opinions, with this Protestation, That if there were any miscarriages in that business, it must fall wholly upon themselves ; that the King was blameless.

*My Lords*, We know his Majesties Justice is the fairest, the richest Diamond in his Crown, the dust which these men would have blown, and forced upon it, is fain short, and with your Lordships helping hands, it will, we hope, be cast upon their own faces, a fitter place for it than the other.

*My Lords*, The Oaths of the Judges as they bind them to the due administration of Justice to the Subjects, according to the Laws ; so, as they be of the Kings Council, by their Oaths they are bound lawfully to counsel him ; that is, when their Opinions are demanded, they are to deliver them according to the Law.

I shall therefore put your Lordships in mind of the memorable Proceedings against these Judges who have broken this part of their Oath, in that notable Parliament held the eleventh of *Richard* the second.

In this Parliament, judgment of High Treason was given against eighteen several persons, and all ( save one of them ) of eminent rank, three Privy Counsellours, the Archbishop of *York*, the Duke of *Ireland*, and Earl of *Suffolk*, the Bishop of *Exeter*, the Kings Confessor, five Knights, some whereof had been Servants to *Edward* the Third, and all save one, Servants to the then King, and some of them of noble Discent, six Judges, *Lockton*, the Kings Serjeant at Law, *Blake* of the Kings Council at Law, and *Uske* the Under-Sheriff of *Middlesex*: Of these eighteen, eight were executed ( that is ) Sir *Robert Tresilian* the Chief Justice, five Knights, *Blake* of the Kings Counsel at Law, and *Uske* the Under-Sheriff; three, that



is, the Archbishop of *York*, Duke of *Ireland*, and Earl of *Suffolk*, fled.

The rest had their lives pardoned, but were banished; their Lands and Goods forfeited, and little Pensions allowed them during their Lives: It was made Felony for any one to procure their Pardons, and they to be dealt withal as Traitors, if they returned from their banishment. And of those Eighteen Persons, all save three were impeached by the Commons.

The Offences which procured these Exemplary Punishments, although their Proceedings belong, and comprehended all that was done in this Parliament, I will briefly open them to your Lordships. During the Minority of that King, by ill Counsel of some near his Person, there were miscarriages in Government. In the tenth Year of his Reign, and the twentieth of his Age, a Parliament was holden; in that Parliament in aid of good Government, and of due execution of the Laws, a Commission was awarded to twelve several Peers, and others of greatest wisdom and fidelity: the Commissioners had Power in all things concerning the Household, Courts of Justice, and the Revenues; in a word in all things concerning the good of the Realm, with full power finally to determine and put in execution for the Honour of the King, the better Governance of the Peace and Laws of the Realm, and Relief of the People.

This Commission was to endure one Year, at the Years end the King would be of full Age.

My Lords, The endeavouring to overthrow this Commission issued by Authority of Parliament for the welfare of the Realm, upon pretence that it trenched upon the Royal Power, tended to the disherison of the King, and derogation of the Crown, together with the destruction of the Commissioners who procured it, and put the same in execution, upon pretence that they and some others had in Parliament forced the Royal Assents.

My Lords, The Conspiring to overthrow this Commission, and the Procurers of it, is the Case in brief; for although there be divers other Articles against many of them, yet this was the ground-work of all; and this singly and alone is declared in all the Proceedings in that Parliament to be Treason. Of these Eighteen Persons condemned, five of them were Plotters (*viz.*) the Archbishop, Duke of *Ireland*, Earl of *Suffolk*, *Trisilian* the Chief Justice, and Sir *Nicholas Bramber*; these insinuated into the King, that this Commission was in diminution of his Kingly Power, that the Procurers of it had extorted his Royal Assent, and that this was Treason: thereupon *Blake*, one of the Kings Counsel at Law was advised withal; who declared his Opinion that it was Treason: he was commanded to prepare an Indictment of Treason against the Commissioners, and some of the Procurers of it, who had been Active therein.

The Indictment was drawn by him, which is entered in the Roll, and is to this effect:

That they had traiterously conspired amongst themselves in the Parliament, to make this Commission by Authority of Parliament against the Regality of the King, to his Disherison, and Derogation of the Crown; That they compelled the Kings consent, and that they confederated and bound themselves to maintain one another in so doing.

It was intended that they should be tried upon this Indictment in  
Middle-

*Middlesex* or in *London*; *Uske* the Under-Sheriff of *Middlesex* was acquainted with the business, who was to prepare things for the effecting of this Design, some of the Parties to be indicted not being Peers; which he performing accordingly, was therefore executed.

The five Plotters, that the King might the more confide in their Counsels, (for so are the words of the Record) and that under the colour of Law, they might cover their malice from the King and the Kingdom, before the Trial was to be had, they advise the King to demand the opinion of some of the Judges, that is, of the two Chief Justices, and Chief Baron, the Judges of the Common-Pleas, six in number, and of *Lockton* the Kings Serjeant; *Blake* of the Kings Counsel at Law, was commanded to draw up these Questions for the Judges Opinions, who did it accordingly.

For the drawing up of these Questions, and the Indictment, *Blake* was condemned and executed.

The Question being drawn into Writing, the Judges were sent for to *Nottingham* Castle, where, in the Kings presence they were commanded upon their Allegiance to deliver their opinions.

1. The first Question was, Whether the Commission was in derogation of the Crown? They answered, that it was.

2. The second Question was, Whether the persuading and urging the Kings consent in Parliament thereto, was Treason? They answered, that it was. Though there were some other Questions asked, all concerning Parliamentary Proceedings, yet these were the main, and those for which they were condemned, as appears by the Replication of the Commons to the Judges Answer; and by the words of the Judgment, (*viz.*) *That they knew that this Commission was awarded in Parliament, that it was for the Publick Good, that they knew of the Traiterous Intents to destroy the Procurors of this Commission, that they knew the Law, and that it was not Treason, and had delivered their Opinions thereby under colour of Law, to cover their Treasonable intent:* and therefore Judgment of Treason was given against them, and against *Locton* the Kings Serjeant at Law, who had subscribed the Opinions with the Judges.

Sir *Simon Burley*, one of the five Knights that were executed, was condemned onely for conspiring the death of the Procurors of this Commission; and although there be other Articles against the rest, yet this alone is adjudged Treason in the several Judgments against every one of the Eighteen.

1. My Lords, It is observable in all these Judgments, that they are adjudged Traitors, as well against the Person of the King, as against the Common-wealth.

2. Secondly, It is there declared upon great advice taken, that in Treasons which concern the King and Kingdom, they are not bound to proceed according to the Rules of the Common Law, and inferiour Courts, but according to the Course of Parliaments, so as may be for the common Good.

3. Thirdly, Judgment was given in Parliament, and Execution awarded, and afterwards a Bill of Confirmation passed, in respect of their Lands, to give them from a day past; and for Declaration, that this should be no Precedent to Inferiour Courts to adjudge the same Cases Treason, save onely in Parliament.

These Judgments were not hudled up in haste, but they were given upon long and mature deliberation. These Judgments were the whole work



work of that Parliament, and the Proceedings against the five Plotters were begun the fourteenth of *November*, and the Judgments were not given till the thirteenth of *February* following, which was a quarter of a Year. And is declared in the Roll, that they spent a long time, and took great pains to examine the Evidences, the better thereby to satisfy their own Consciences and the World.

I insist the more upon this to take away all blemish from these proceedings. It is true, my Lords, these Judgments were afterwards, in the Parliament of 21 R. 2. revoked and made void.

But, my Lords, that *Parliament* of 21 R. 2. of Revocation, was held by force; as it is declared in the Parliament Rolls of 1 H. 4. Nov. 21, 22. that it was held *viris armatis, & sagittariis immensis*.

The Knights of Parliament were not elected by the Commons, *per meos exigit, sed per regiam voluntatem*: and so the Lords, *summoniri fecit Rex Dominos sibi adherentes*.

My Lords, By these Proceedings it doth appear that this Parliament of Revocation was no free Parliament, if at all it deserve the name of a Parliament. But to put all out of doubt, the Parliament of 1 H. 4. No. 48. these Judgments of Revocation are declared to be *improba, iniqua, & omni juri & rationi repugnantia*, erroneous, wicked and contrary to all Right and reason; and in the Parliament of 1 H. 4. in Print these Attainders are confirmed: so that these Judgments of Attainder have the Authority of two Acts of Parliament, both of them of force at this day.

Your Lordships will give me leave to observe the differences and agreements, between the offences of those, and of the present Judges, and as well in the way and manner of Procurement, as in the matter of them: for the manner of Procurement, those Judges in R. the Second's time, were in the Kings presence, and as it is in the Parliament Roll of 1 H. 4. Nov. 18. they were *violenter attracti*, violently drawn to deliver their opinions, and that *metu mortis & cruciatus corporis*, for the fear of death and tortures of the bodies; and at their Trials severally, they say, that in part violence had been offered to their persons; because they had differed in the delivery of their Opinions. My Lords, This was such a miscarriage in the Judges, these Circumstances considered, as might *cadere in virum fortem & constantem*: But, my Lords, Fear or Cowardize, is no Plea for delivering up of the Forts and Bulwarks of the Kingdom.

But in the present business, there is none of all this; it came from within, there is no outward force. In those of R. 2. it was *Actus unicus*, once done at *Nottingham Castle*; if the Judges had been put to it the second time, perhaps the rest, as well as some of them, had repented, and would not have done it over again: For *Belknap*, the Chief Justice of the Common-Pleas, the same day declared his sorrow, and said, That now there remained nothing but a Horse, a Hurdle, and a Halter; and *Fulthorp*, another of them, the next day declared his grief, for what he had done. But hereafter the Opinion in *November* 1635. a Year after, viz. 1636. they proceed *à pessimo ad pejus pessimo*, for that was with additions; most of them declared their opinions in their Circuits, and a year after confirmed it again by the Indictment in the Exchequer, here it was done year after year in cold blood: one murderous blow whereupon death follows, is Felony, but to multiply wounds upon the dead body and to come again in cool blood to do it, it shews the height of malice. In these two things they agree:

1. That which the Judges did in *Richard* the seconds time, they did it against

against their own knowledge ; they knew the Commission was done by Act of Parliament ; so here they knew the Petition of Right damned the Commissions of Loans, a stronger Case than that, they subscribed ; many of them knew that the Commission of Excise was damned in Parliament ; they knew the other proceedings in Parliaments, and if they had forgotten them, they were afterwards put in mind of them ; they needed not to have consulted with Books and Journals of Parliaments, saving onely with their own memories.

2. They agree in this, That their Opinions tended to the subversion of the Laws and Statutes of the Kingdom ; for in that of R.2. the offence was, the endeavouring to overthrow Parliaments and Parliamentary proceedings, the Conspiracy of the death of the Procurers was onely an aggravation. It was not Treason to conspire the death of a Privy Counsellour, or to kill a Judge, unless he be upon the Bench, and in that Case it is Treason, because of the malice, not of the Person, but to the Law ; so that there the Treason lay in this, not that they conspired barely against their Persons : but with reference to their proceedings in Parliament, and thereby to overthrow the Acts of Parliament, wherein these persons had been principal Actors. But in this again they disagree ; for in that Case there was onely a Conspiracy, no death followed to the Procurers of the Commission, nor was the Commission overthrown ; all that was done, was onely this, That a Warrant was directed to the Lord Major of *London*, for apprehending their persons to bring them to Trial, which yet was not done. But here (after the Opinions delivered) Judgment was afterwards given by them in the Exchequer, and Execution awarded thereupon ; for so much as concerns our property.

And likewise in the Kings Bench, where the Judges after the Judgments in the Exchequer, refused to hear any more debate of the matter ; and so for the liberty of our persons, by keeping divers of the Subjects in Prison Term after Term for not paying Shipmoney, and other things depending upon those Opinions, when they had been brought before them upon their *Habeas Corpus*.

4. In that of R.2. it was for overthrowing but of one Act of Parliament, which was likewise introductive of a new Law ; for the Commission had no rise from the Common Law, for in truth it was derogatory to the Crown : It had onely the strength of the Parliament to support it, which was sufficient, it was for the common Good.

But here the endeavour was at once not to blow up one Act of Parliament, but all ; and these not introductive, but declaratory of the Common Law, as was the Petition of Right, the Statutes there mentioned, and the Resolutions.

That of R.2. was but the blowing up of the Upper Deck ; this, of the Common Law, and the Statutes too, and the old Foundations and the Structures built upon them, all together.

In that of R.2. it was onely to overthrow a Temporary Act of Parliament, that was to continue no longer than one year ; but this to make an eternal devastation (for *toties quoties*) to the Worlds end ; as his Majesty or his Successors shall say that the Kingdom is in danger, may these Opinions be put in execution ; and likewise they are enrolled in all the Courts of *Westminster-Hall* in *Perpetuam rei memoriam*.

The Sin against the Holy Ghost is therefore unpardonable, because it takes from the party Repentance, the means of Pardon. To put us therefore into a case of desperation, some of them have publickly, and upon the

the



the Bench declared, that this Prerogative is so inherent in the Crown, as that it cannot be taken away by Act of Parliament.

As they have put an impossibility upon themselves, so would they put an impossibility upon his Majesty, your Lordships and the whole Parliament, for ever righting us again.

My Lords, *Contraria juxta se posita magis elucescunt*, I have presented your Lordships with the obliquity of the ill Judges in R.2. time; give me leave to present your Lordships with one example of a contrary nature. And that was in Queen Elizabeths time, in the 29 Year of her Majesties Reign: She erects a new Office in the Common Pleas, for the making of *Supersedeas* on *Exigents* that issued there, she grants it to *Richard Cavendish*, her Servant, sends to have him admitted, but the Judges delay the doing of it for this reason, because the Prothonotaries and Phillizers claimed the making of those Writs. The Queen sends a sharp Letter, and commands them forthwith to admit him; yet the Judges forbear: The Queen sends a sharper Letter, commanding them to shew the Reasons of their Contempt and Disobedience to the then Lord Keeper, and the Earl of *Leicester*, no mean men in those days; the Judges deliver their Reasons why they had refused, and it was because others claimed the making of those Writs.

The Queen sends a fourth peremptory message for their admitting him, with this Reason, That if the others were put out, they were rich and able men, and that her Courts of Justice were open, where they might demand their Rights,

This was not to take away the Right, but to put them to their Action.

The Judges humbly returned this Answer, That the Queen had taken her Oath for the due execution of Justice, according to the Law; that they did not doubt, but that when her Majesty was informed, that it was against Law, she would do what befitted her; for their parts they had taken an Oath to God, to Her and the Common-wealth, and if they should do it without Process of Law, before them, and onely upon her command, put the other out of possession, though the Right remained to them, it were a breach of their Oaths; and therefore if the fear of God were not sufficient, they told her the punishment that was inflicted upon their Predecessors for breach of their Oaths: (citing those of *Thorpe* of R.2. time) that they might be sufficient warning to them. The Queen hearing of these Reasons was satisfied, and the Judges heard no more of the business.

This remains under the hands of *Anderson* the Lord Chief Justice in a Book of his Reports.

These Judges have had examples of both kinds before them, they might have chosen the good, and refused the bad.

My Lords, Besides these Judgments and Opinions, the Commons will in due time bring up these Judges with their other Judgments, *Corporatum causis*, for your Lordships will easily conceive that they who have done this, have done more; the principal of them, I mean my Lord Keeper, stands accused before your Lordships of High Treason. He is not here, Justice goes *pede lento*, *sed certo*, it will overtake him at the last.

The next step that is making after him, are the Articles of his Impeachment, which with your Lordships patience, are now ready to be opened and delivered to your Lordships.

Mm.

Mr. HOL-

*Mr. HOLLIS his Speech in the C A S E of*  
*Sir R A N D A L C R E W.*

MY LORDS,

*Sir Randal  
Crew Chief  
Justice displa-  
ced for his  
Integrity.*

**T**Hese Gentlemen have presented unto your Lordships the sad Object of Justice perverted, Liberty oppressed, of Judgment turned into Wormwood, the Laws, which should be the Bars of our Grates to protect us, keep us, and all that is ours in safety, made weak and impotent, to betray us unto the hands of Violence; in stead of Props to support us, become broken Reeds to deceive us, and run into our sides when we lean upon them; even so many Snares to entrap and entangle us.

And all this by the perfidioufness of those who are intrusted with our Laws, who call themselves the Guardians, and the Interpreters of the Law; but by their accursed Glosses have confounded the Text, and made it speak another Language, and another Sense, than ever our Ancestors, the Law-makers intended.

Our Ancestors made Laws to keep themselves, their Posterity after them, in the possession of their Estates: these Judges could make the Law itself rob us, and despoil us of our Estates. Were we invaded or persecuted at any time for pretended Crimes, or rather because they were free from Crimes? And did we put our selves upon a Legal Defence, and shelter our selves under the Buckler of the Law, use those lawful Weapons which Justice, and Truth, and the Common Right of the Subject did put into our hands, would this avail us? No: These Judges would make the Law wrest our Weapons from us, disarm us, take away all our Defence, expunge our Answers, even bind us hand and foot, and so expose us naked and bound to the mercilessness of our Oppressors. Were our Persons forced, and imprisoned by an Act of Power, would the Law relieve us when we appealed unto it? No: It would join hands with Violence, and add Bitterness to our Sorrow. These Judges would not hear us when we did cry; no Importunity could get a *Habeas Corpus*: Nay, our Cries would displease them, and they would beat us for crying; and overdo the Unjust Judge in the Gospel, with whom yet importunity could prevail.

My Lords, The Commons of *England* finding themselves in this lamentable Condition, by the wickedness of these Judges, it is no wonder that we complain of them. It is no wonder if the Knights, Citizens, and Burgeses, assembled in Parliament, have sent up some of their Members to stand upon Mount *Ebal* to curse these Judges; to denounce a Curse upon them who have removed our Land-marks, have taken away the Bound-Stones of the Propriety of the Subject, have left us no *Meum & Tuum*; but he that had most Might, had most Right, and the Law was sure to be of his side.

It hath been the part of these Gentlemen who have spoken before me, to pray for Justice upon those men, who would not do Justice to others. My Lords, I come upon another Errand, and yet for Justice too; for there is Justice upon Mount *Gerizim*, as well as upon Mount *Ebal*. It is as great a point of Justice to give a Blessing, a Reward where it is due, as Punishment where Punishment is due: for Reward and Punishment



nishment, *Premium & Pena* be the two Legs that Justice walks on, and Reward is her Right Leg, the more noble and the more glorious Supporture of that Sacred and Divine Body, that which God himself, the Foundation of Justice doth more delight in.

*Tardior ad Pœnas Deus est, ad Præmia velox;*

Punishment is good as Physick in the Consequence, Reward as wholesome and nourishing Food in the Essence; the one we do, because we must do it as Necessary; the other, because we love to do it, as being Pleasing and Delightful.

Your Lordships then, I doubt not, will as willingly join with the Commons in doing good to a good Judge, as in punishing of the bad.

My Lords, We honour them, and reckon them Martyrs for the Commonwealth, who suffer any thing by defending the Common Right of the Subject, when they will not part with their own Goods contrary to Law; when indeed their private Interest goes along with it, or rather before it; and the Publick Concernment seems to come but in a second place. Such were those many whom these Judges have oppressed; yet these men we magnifie, and judge worthy of Praise and Reward.

But what Honour then is he worthy of, who meerly for the Publick, hath suffered himself to be divested and deprived of his Particular; such a Judge as would lose his Place, rather than to do that which his Conscience told him was prejudicial to the Commonwealth? is not he worthy of double Honour?

And this did that worthy Reverend Judge, the Chief Judge of *England* at that time, Sir *Randal Crew*, because he would not, by subscribing, countenance the Loan in the first Year of the King, contrary to his Oath and Conscience, he drew upon himself the Displeasure of some great Persons about his Majesty, who put on that Project, which was afterwards Condemned by the Petition of Right, in the Parliament of *Tertio*, as unjust and unlawful; and by that means he lost his Place of Chief Justice of the Kings Bench; and hath these 14 Years, by keeping his Innocency, lost the Profit of that Office, which upon a just Calculation, in so long a Revolution of time, amounts to 26000 *l.* or thereabout. He kept his Innocency when others let theirs go; when himself and the Commonwealth were alike deserted: which raises his Merit to a Higher Pitch. For to be honest when every body else is honest, when Honesty is in Fashion, and is Trump, as I may say, is nothing so meritorious; but to stand alone in the Breach, to own Honesty when others dare not do it, cannot be sufficiently applauded, not sufficiently rewarded. And that did this good old man do in a time of general Desertion, he preserved himself pure and untainted.

*Temporibusque malis ausus is esse bonus.*

My Lords, The House of Commons are therefore Suitors unto your Lordships, to join with them in the Representation of this good mans Case unto his Majesty, and humbly to beseech his Majesty to be so good and gracious unto him, as to give him such Honour (the quality of this Case considered) as may be a noble Mark of Sovereign Grace and Favour, to remain to him and his Posterity; and may be in some measure, a proportionable Compensation for the great loss he hath with so much Patience and Resolution sustained.

Indict' Thomæ Harrison Cleric. 4. Junii Termino  
Trinitat' 14 Caroli Regis. Annoq; Domini 1638.  
inter Placita Regis isto eodem Term. Coram  
Dom. Rege apud Westmonast. &c.

Midd. ss.

**B**Efore this time (that is to say) upon Thursday next after the Holy Trinity, before our Sovereign Lord the King in this Court, by the Oaths of Twelve Men of this County, it is presented, That whereas our Court of Common Pleas hath been an ancient Court of Record for the Administration of Justice between his Majesties Subjects in Common Pleas, arising throughout the Realm of England. Whereas it is against the Crown and Dignity of his Majesty, and against the Laws and Customs of this Kingdom for any person to disturb any Justice of the said Court, the Court of Justice, the Court being open, and the Judges Judicially sitting; Whereas Justice Hutton for divers years is, and hath been one of the Justices of the said Court of Common Pleas, notwithstanding Thomas Harrison of Creek in the County of Northampton Clerk, not having the fear of God before his eyes, but by the instigation of the Devil being moved, maliciously imagining with himself, and compassing in his mind by what means he may greatly and maliciously scandalize and defame the said Richard Hutton, one of his Majesties Justices of the said Court of Common Pleas; and maliciously imagining and intending, as much as in him is, to scandalize, and vilifie, and bring into Contempt the said Richard Hutton, of his Life, Goods, Lands, and Tenements, and to incite and provoke the displeasure of our King against the said Richard Hutton, and him the said Richard Hutton to be esteemed a Traitor to the Kings Majesty, and to the Peers of this Realm, and withal, the Loyal Subjects of the King, and also for to disturb the said Court of our King, and the Justices of the said Court being present in the said Court, and there judicially sitting, and to hinder the Administration of Justice, 4. Maii, 14 of his Majesties Reign, at the City of Westminster in the County of Middlesex, that is to say, in the Great Hall of Pleas there, that is to say, the Court before himself, the Court of Chancery, and the Court of Kings Bench in the Great Hall of Pleas, being open, and the Justices of the said Courts there being present, and there Judicially sitting, and there diligently hearing the Matters and Causes of his Majesties People of this Realm of England, and in ministring the Laws of this Kingdom to his Subjects. The said Thomas Harrison, then and there, of his own malice, evil mind, and evil intention, in the presence and hearing of the Justices of the said Court of Common Pleas, and divers of the Serjeants at Law, and many Honourable, and others of his Majesties faithful Subjects, falsely and maliciously did accuse the said Richard Hutton of High Treason, and then and there, maliciously, openly, and with a high voice, did speak and pronounce those scandalous, venomous, and malicious words with a loud voice; I (the said Thomas Harrison meaning) do accuse Mr. Justice Hutton, (the said Richard Hutton) one of the Justices of his Majesty, (of the said Common Pleas, meaning) of High Treason, to the great hurt and derogation of our Sovereign, his Crown, and Dignity, and the great Contempt of the said Court of Common Pleas, and to the disturbance of the Justice, and Laws of the King, and this his Realm, and of the Justices of the King, and the Administration of Justice



*in the said Court of Common Pleas, to the evil example of other Offenders, and to the infamy, disgrace, and destruction of Richard Hutton, and against the peace of his Majesty.*

To this the said *Thomas Harrison* hath pleaded *Not guilty*, and hath put himself upon the Country and the Kings Attorney of this Court. Likewise you are now to enquire whether the said *Thomas Harrison* be guilty of this crime yea or no.

May it please your Lordship, and you Gentlemen of the Jury, you do hear, by the reading of the Record that here is an Indictment preferred in the behalf of the King against *Thomas Harrison*, who is now at the Bar, and it is for a notable and insolent Contempt done in this Hall against Justice *Hutton*, and the Laws of this Kingdom: The Indictment sets it forth thus, that the Court of *Common Pleas* is an ancient Court, and that it is against the Crown and Dignity of the King, and the Courts of Justice, that when the said Courts were sitting, they, nor any of the Ministers of the said Courts, should not be disturbed. It is further said, that Mr. Justice *Hutton* is, and, for many years past, hath been one of the Judges of the Court of *Common Pleas*, and the Defendant, who is now at the Bar, Mr. *Harrison*, a Clerk, being moved with malice against the Person of Mr. Justice *Hutton*, and intending to bring Mr. Justice *Hutton* into the Kings high displeasure, and to hazard the losing of his Life and his Estate, and the forfeiture of his Goods, and to disturb the Peace of the King and the Courts of Justice sitting, did falsely and maliciously the fourth of May last, in *Westminster Hall*, in the City of *Westminster* (the Courts sitting) this Court, and the Court of *Chancery*, and the Court of *Common Pleas*, this Defendant boldly, and audaciously, and maliciously did rush to the Bar of the Court of *Common Pleas*, Mr. Justice *Hutton*, and Mr. Justice *Crawley* then and there sitting, they attending to the Service of the said Court; There, with a loud voice, spake to Mr. Justice *Hutton*, sitting as a Judge. *I do accuse Mr. Justice Hutton of High Treason*; This offence being committed in this manner, and in this place, and with such a boldness, is said to be of a high nature, and to the contempt of the Crown and Dignity of all the Courts of Justice, where the King is wholly interested: whether this offence may be punished, that is the force and intent of this Indictment.

Mr. Serjeant  
Heath.

*My Lords*, To this the Defendant hath pleaded *Not guilty*, we that be of the Kings Counsel shall make it apparent that this Defendant did do this, and in this manner as is set forth.

I desire that this Examination may be read; but let him see whether it e his Hand, yea, or no.

Mr. Attorn.

*It is my Hand.*

Mr. Harrison.

The Examination of *Thomas Harrison*, of *Creeke*, in the County of *Northampton*, Clerk, being examined before my Lord Chief-Justice *Brampston*. That it is true, that whereas Mr. Justice *Hutton*, and Mr. Justice *Crawley*, sitting in the Court of *Common Pleas*, he came to the Bar, and there publicly did charge the said Justice *Hutton* with High Treason; And being demanded, What was the point of High Treason? He charged him:

1. In denying the Kings Supremacy.
2. Next, Moving of the People to Sedition.

He charged him with High Treason as aforesaid. Further, he was asked, Why he charged him with the first; and how he doth deny the Kings Supremacy?

He

He answers, That by Common fame upon *Saturday* last, in the Exchequer Chamber, he did deliver his Opinion, That the King had no lawful power to levy the Ship-money. Being asked, Whether he heard the Argument? He answered, He heard it not, but received it from the Common report of others.

Being further asked, Why he charged him with the stirring up the People to Sedition? He answered, That was because, by the report of divers near to the place where this Examinant dwells, the People go on more and more in their stubbornness, refusing the paying of Ship-Money, the which is contrary to the opinion of all the Orthodox Divines of this Kingdom; and in that Mr. Justice *Hutton*, riding that Circuit, hath given the People such an encouragement to their disobedience. Being further asked, Whether any other Person did know of this his intent? He answered, That there were two others with him, but they did not know any thing of his intention till they heard it spoken at Bar. Being asked, Why he made choice of this publick way? The reason, saith he, was, because that he did deliver his opinion publickly, therefore he thought that to be the best way; and if it had been done in a private Treason, he thought it fit to acquaint it in a private way.

*Thomas Harrison.*

Mr. Attorn.

May it please your Lordship, and you of the Jury, the Prisoner at the Bar, Mr. *Harrison*, stands indicted of a very foul and horrible offence, of a forged and false accusation, framed and contrived out of his own brain, it should seem it was out of some rooted and inveterate malice; a thing for which there is no colour nor evidence for truth; and himself confesseth, that it was upon the ground of Common Fame, he charged this Reverend Judge with High Treason, and that he denied the King's Supremacy; and the reason was, because that he heard of a Common Fame that the Judge had delivered his opinion, that the King had no power to levy Ship-money.

2. Because that he stirred up the Kings Subjects to Sedition; and he giveth that for a reason, in that the People of *Northampton* do go on in a stubborn refusal of the payment of the Ship-money in regard of the Judges opinion.

My Lord, This is a heavy thing for to accule any man of Treason, whereby he shall forfeit his Lands and Goods, and lose his life; and surely by the old Law this false Accuser should undergo the same punishment as he should that was accused, if he had been found guilty.

My Lords, The Office of a Judge is a place of great honour and trust.

Of Honour, for the Judges of the *Kings Bench* and *Common Pleas* are reckoned *inter magnates Regni*, and the divisors and publishers of false lies and tales against them are branded for Authors of debates and discords between the King and his People, and subverters of the Realm.

Of trust, for he is trusted with the administration of equal Justice between the King and his Subjects, and the Lives, Fortunes, and Estates of men; Therefore being a place of so great honour and trust the scandal is the greater; and offences and crimes against them have been punished not with ordinary punishment.

25 *Edw. III.* 1. pr. It is declared to be Treason to kill a Judge in execution of his Office.

Our



Our Books say, That if one draw a Weapon upon a Judge sitting in Judicature, though he strike him not, he shall be imprisoned during life, and forfeit his Goods and Lands, and lose his Right Hand.

Though the offence be not done to the Judge, yet being in the Judges presence (the Courts sitting) as if one strike a Juror, or any other person in *Westminster Hall*, sitting in the Courts, it hath been punished with the loss of Hand, Goods, and Lands during Life; this appeareth, 19 E. 3. Judgment, 174. 22 E. 3. 13. Mich. 6 Ed. 3. *Coram Rege*, Rot. 55. *Stamfords Pleas of Crown*, 38.

The offence of Mr. *Harrison* is not for accusing Judge *Hutton*, or any other of Treason, for God forbid but that should be lawful where there is just cause; But to do it without any colour of ground, and to forge a false Accusation out of his own brain, and to act in such an insolent and mad way against a reverend Judge, sitting in the Seat of Judgment, this is the offence.

37 Hen. 6. 3. If one call another Traitor, an Appeal lieth before the Constable and Marshal, and if the Appellant be killed in Battel, it is Justifiable.

30 lib. Ass. one called Justice *Seaton* Traitor; and answered well in Damages, as appeareth more at large in the Record than in the Printed Book.

Mich. 5 Car. in Banco Regis, Nich. Jeoffes was indicted and fined in the King's Bench, for writing a Petition, wherein he said the Lord Chief-Justice *Crook* was a Traitor.

Treasons are declared by the Statute 25 E. 3. and this Gentleman may expound a Text, he cannot expound Statutes, for this is proper for the Judges of the Realm.

He is not to judge what is Treason, and what not, *Traçent fabrilia fabri*, let him keep himself within the compass of his own profession.

This offence is *Contra coronam & dignitatem*, and the Scandals against the King's Judges and Ministers, trench upon the King himself, and and therefore his Royal Majesty, detesting this odious and foul fact in the Prisoner at the Bar, hath commanded us his Counsel to give evidence.

The Person of the Party accused is best known to your Lordships to be a most grave, honest, learned, and reverend Judge, and, I presume, free from any thought of Treason.

Mich. 33. 34. Ed. 1. coram Rege in this Court, Rot. 75. Roger de *Higham*, Justice of Oyer and Terminer, gave Judgment for *Mary*, late the Wife of *William Bruce* Plaintiff, against *William Bruce* in the Chequer-Chamber.

This *William de Bruce* was of a Noble Family; he asked this Roger, Whether he would avow the Judgment? And he told him, yes, Now says de *Bruce*, Roger, Roger, thou hast thy will, which of long time thou hast sought. The Judge asked him, What was that? He said, My shame and loss, and this I will think on; for this offence in a kind of implicate way, taxing the Judge of injustice. He was indicted, and confessed the Indictment, as Mr. *Harrison*, the Record saith, *Et quia sicut honor, & reverentia qui Ministris Domini Regis ratione officii sui faciuntur, ipsi Regi attribuntur, sic dedecus & contemptus ministris suis fact. eidem Domino Regi inferuntur, consideratum est quod prædictus Willielmus de Bruce districtus in corpore, capite nudo, tena deposita eat è Banco Domini Regis ubi placita*

*placita tenentur in Aula Westmonasterii per medium Aulae praedictae cum curia plena fuerit, usque ad Scac. ubi deliquit & ibidem veniam petat à praesato Rogero, &c. Et postea committitur Turri London ibidem moratur. ad voluntatem Regis.*

My Lords, I doubt not but you will maintain the honour of a Judge, and punish this Delinquent according to his demerits, his offence contained in the Indictment is confessed in his Examination, and by himself *oretenus*.

Therefore you of the Jury shall not need to depart from the Bar, but find him guilty.

*The PROTESTATION of the Noblemen, Barons, Gentlemen, Burroughs, Ministers, and Commons, &c. in Answer to the King's Declaration of the ninth of September.*

The Protestation.

**W**E Noblemen, Barons, Gentlemen, Burgessees, Ministers, and Commons, his Majesties true and *Loyal Subjects*; That whereas our continual Supplications, Complaints, Articles, and Informations, presented, first, to the Lords of his Majesties Privy Council, next to his Sacred Majesty; and last from time to time to his Majesties Commissioners; our long attendance, and great patience this Twelve-Month by-gone, in waiting for satisfaction of *our most just desires*, our Zeal to remove all Rubs out of the way, which were either mentioned unto us, or could be conceived by us as hinderances of our pious intentions, aiming at nothing but the good of the Kingdom, and preservation of the Kirk, which by Consumption or Combustion is likely to expire, delighting to use no other means but such as are legal, and have been ordinary in this Kirk since the Reformation, and labouring, according to our power and interest, that all things might be carried in a peaceable manner, worthy of our Profession and Covenant, our Protestation containing a hearty thanksgiving for what his Majesty, in his Proclamation from his Justice had granted of our just desires, and our Protests and hopes for so much *as was not as yet granted*. All these made us confidently *to expect* from his Majesties Royal and Compassioned disposition towards this his Native Kingdom, that a *free general Assembly and Parliament* should have been indicted, as the *ordinary and most proper remedies of our grievances*, and did constrain us to renew our Petition, earnestly entreating, that his Majesties Commissioner would be pleased to represent unto his Majesty the condition of this Kirk, and Kingdom, crying in an extreme exigence for present help, with the lawfulness of the remedies prescribed by his Majesties Laws, required by us, and presented to him in some particular Articles, which his Grace promised to recommend to his Majesty, and to do his best endeavours for obtaining the same; especially the first Article, that there might be indicted a full and free general Assembly, without prelimitation either in the constitution and members thereof, in the order and manner of proceeding, or in the matters to be treated: And if there should be any question or doubt about one of these, or such like



like particulars, that the determination thereof might be remitted to the Assembly it self, as the only proper and competent Judge.

And now, after so many Supplications, Complaints, Articles, and Informations; after *our necessary Protestation*, expressing the humble thankfulness and continued desires of our hearts after so long expectation, and so much dealing, *having with open Ears, and attentive minds heard his Majesties Proclamation*, it is our desire, purpose, and endeavour so to proceed that we may upon the one part still be thankful to God and the King, for the *least blink* of his Majesties Countenance, and the smallest Crums of Comfort that fall unto us from his Majesties Royal hands; Beseeching the Lord yet further to enlarge his Majesties heart, for our full satisfaction and rejoycing, to the honour of God, the good of this Kirk and Kingdom, and his Majesties never dying fame and glory; that his wise government and Zeal to the Service of God, may be a measure and pattern of desires to all Generations hereafter, when they shall be wishing for a religious and righteous King: And on the other part, that Christ our Lord, the King of Kings, through our neglect or lukewarmness may want no part of his Sovereignty and Dominion; and that in our Religion, which is more dear unto us than our lives, we deceive not our selves, with that which cannot satisfie, and make up the breach of this Kirk and Kingdom, or remove our fears, doubts, and suspicions of the innovations of Religion.

This hath made us to observe, and perceive that his Majesties *Proclamation* doth ascribe all the late *distractions* of this Kirk and Commonwealth, to *our conceived fears* of the *Innovation* of Religion and Law, as the Cause and occasion thereof, and *not to the Innovations* themselves, with which we have been for a long time, and especially of late, *heavily pressed* and *grieved*, as if the Cause were rather in *apprehension* and *fancy* than in reality and substance, *That the Service Book, and Book of Cannons* are not so far discharged by this Proclamation, as they have been urged by Preceding Proclamations; for this *Proclamation* only *dischargeth the practice of them*, and rescinds the Acts made for establishing their practice, but *doth not rescind the former Proclamations*; namely, that of the 19 of February at Sterling, and that of the fourth of July at Edinburgh, which gives an *high Approbation to these Books*, as fit means to maintain Religion, and to *beat down all Superstition*, and withal declares his Majesties purpose, to bring them into this Kirk in a fair and legal way; And thus both *our fears* that they may be introduced hereafter, must still remain, and the *liberty of the General Assembly* by such a Declaration of his Majesties Judgment, is not a little *prejudged* in the minds of so many as wisely consider, and compare the *preceding Proclamations* with this which we now hear; although others who *looking upon one step, and not upon the whole Progress, run on rashly*, and neither considering what they are doing, nor with whom they are dealing, may be easily deceived. *Qui panca videt cito Judicat*, a short sight maketh a sudden Judgment.

That it is declared in this Proclamation, that his Majesty neither intendeth to innovate any thing in Religion or Laws, or to admit of any change or alteration in the true Religion already established and professed in this Kingdom: And withal, this is interposed, that the Articles of *Pearth* are established by the Acts of Parliament, and general Assembly, and dispensation of the practice only granted, and discharge given, that no Person be urged with the practice thereof; and consequently, his Majesties intention for the standing of the Acts of the Assem-



bly and Parliament, appointing the Articles of *Perth*, is manifest, which is no small prejudice to the freedom of the general Assembly, That while the Proclamation ordaineth all his Majesties Subjects to be liable to the tryal and censure of the Judicatories competent, and that none of them shall use any unlimited and unwarranted power ; likewise that no other Oath be administred to Ministers at their entry, than that which is contained in the Act of Parliament : In both these Articles the Bishops are meant, who are only thereby for the present curbed, against their exorbitancy and enormities in exercizing their Office ; but the Office of Bishops is thereby not only presupposed as unquestionable, but also so strongly established, that his Majesty declareth for the present, his intention to admit no innovation therein : Which is more evident by the indiction of the Parliament ; warning all Prelates to be present, as having voice and place in Parliament ; and by the indiction of the Assembly, warning all Archbishops and Bishops ( for so are their divers Degrees and Offices Ecclesiastical here designed and supposed ) to be present, as having place and voice in the Assembly, contrary to the Caveats, Acts of the Kirk, and our Declinator : And thus a third and great limitation is put upon the general Assembly. The Proclamation, by reason of these many limitations, and prejudices of the liberty of the Assembly in the very points which have wrought so much woe and disturbance in this Kirk and Kingdom, and wherein the liberty of the Assembly is most useful and necessary at this time, can neither satisfy our grievances and complaints, nor remove our fears and doubts, nor cannot ( without Protestation ) be admitted by us his Majesties Subjects, who earnestly desire that truth and peace may be established ; and that for the reasons following :

1. To keep silence in any thing that may serve for the good of the Kirk, whether it be in Preaching, Prayer, or in proposing and voycing in a Lawful Assembly of the Kirk, is against the Word of God, *Isa. 62. 6. Ye that are the Lords remembrancers, keep not silence, and give him no rest till he establish, and till he make Jerusalem a praise in the earth: 1 Kings 18. 21.* like the halting of the people between two opinions, and their not answering a word when the Lord called them to give a testimony, *Acts 20. 20. I have kept back nothing that was profitable unto you :* And again, *1 Cor. 12. 7. Mat. 15. 18. Rom. 1. 18. Rev. 2. 14, 20. and 3. 15.* and therefore to keep silence, or not to meddle with corruptions, whether in Doctrine, Sacraments, Worship, or Discipline, in a general Assembly of the Kirk, convened for that end, were the ready way to move the Lord to deny his Spirit unto us, and to provoke him to wrath against our proceedings, and might be imputed to us for prejudice, for collusion, and for betraying our selves and the Posterity.

2. This *Predetermination* is against our Supplications and Protestations, wherein we have shewn our selves so earnest for a *Free General Assembly*, contrary to every limitation of this kind ; so far prejudging the liberty thereof, is against the *Confession of Faith* registrated in the Parliament, 1567. declaring, that one Cause of the Councils of the Kirk is for good policy and order to be observed in the Kirk, and for to change such things as men have devised, when they rather foster Superstition than edifie the Kirk using the same, and is against our late *Confession*, wherein we have promised to forbear all Novations, till they be tried ; which obligeth us to forbear now, and to try them in an Assembly, and by all lawful means to labour to recover the former purity, and liberty of the Gospel,



to which *this limitation is directly repugnant, our liberty in a general Assembly*, being the principal of all lawful means serving to that end.

3. This were directly contrary to the nature and ends of a general Assembly, which having authority from God, being convened, according to the Laws of the Kingdom, and receiving power from the whole collective body of the Kirk, for the good of Religion, and safety of the Kirk, whatsoever may conduce to these good ends in Wisdom and Modesty should be proponed, examined, and determined without prelimitation, either of the matters to be treated, or of the liberty of the members thereof; it being manifest, that as far as the Assembly is limited in the matters to be treated, and in the members to be used, the necessary ends of the Assembly, and the Supreme Law, which is the safety of the Kirk, are as far hindred and prejudged.

4. This limitation is against the Discipline of the Kirk, which *Book. 2. Chap. 7.* declareth this to be one of her liberties, that the Assembly hath power to abrogate and abolish all Statutes and Ordinances concerning Ecclesiastical matters that are found noysom, and unprofitable, and agree not with the time, or are abused by the People, and against the Acts of the general Assembly, like as the pretended Assembly 1610. declareth, for the common affairs of the Kirk ( without exception or limitation ) it is necessary that there be yearly general Assemblies: And what order can be hoped for hereafter, if this Assembly indicted after so long intermission, and so many gross corruptions, be limited, and that more than ever any lawful Assembly of the Kirk was, when it was observed?

5. It is ordained in Parliament, 11. Act 40 King James 6. anent the necessary and lawful form of all Parliaments, that nothing shall be done, or commanded to be done, which directly or indirectly prejudge the liberty of free voicing or reasoning of the Estates, or any of them in time coming. It is also appointed in Parl. 6. Act 92. King James 6. that the Lords of Council and Session proceed in all Civil Causes intended or or depending before them, or to be intended, to cause or execute their Decrees, notwithstanding any private writing, charge, or command in the contrary, and generally by the Acts of Parliament, appointing every matter for its own Judicatory, and to all Judicatories their own freedom. And therefore much more doth this liberty belong to the Supreme Judicatory Ecclesiastick in matters so important as concerneth Gods Honour and Worship immediately, the salvation of the peoples Souls, and right constitution of the Kirk, whose Liberties and Privileges are confirmed, Parl. 12. King James 6. Parl. 1. King Charles, for if it be carefully provided by divers Acts of Parliament, especially Parl. 12. Act 148. King James 6. That there be no forestalling or regrating of things pertaining to this natural life: What shall be thought of this spiritual forestalling and regrating, which tendeth to the famishing or poysoning of the Souls of the People both now and in the generations afterward?

6. It were contrary to our Protestations, Proceedings, and Complaints against the late Innovations. And it might be accounted an Innovation and usurpation as gross and dangerous to us, and the Posterity, and as prejudicial to Religion as any complained upon by us, to admit limitations, and secret or open determinations, which belongeth to no Person or Judicatory, but to an Assembly, or to consent to, and approve by our silence the same Predeterminations, it were to be guilty of that our selves, which we condemn in others, we may easily judge how

the Apostles before the Council of *Jerusalem*, the Fathers before the *Nicene Council*, and our Predecessors before the Assembly holden at the Reformation, and afterwards would have taken such dealing.

*Which said Reasons are expressed before in the latter end of the year 1638. to shorten this Protestation, which if all had been put together would have been very tedious.*

For these and the like Considerations in our name, and in the name of all who will adhere to the late Covenant, subscribed by us, and sealed from Heaven, we (from our Duty to God, our Native Country, our selves, and the Posterity, lest our silence import a satisfaction of our desires, and a stopping of our Mouths from necessary supplication for things yet to be obtained from his Majesties just and gracious disposition) are constrained *to declare and protest*:

*First*, That the Cause and occasion of the distractions of the Kirk and Commonwealth are no ways to be imputed unto us, or our needless fears, but to the Innovations and Corruptions of Religion, which against the Acts and Orders of this Kirk, and the Laws of this Kingdom, have been pressed upon us the People of God, and his Majesties Loyal Subjects, who, although under great thralldom, were living in peace and quietness, labouring in all godliness and honesty to do our duty to God and man.

*Secondly*, We protest that all questions and doubts that arise, concerning the freedom of the Assemblies, whether in the constitution and members thereof, or in the matters to be treated, or in the manner and order of proceeding, be remitted to the determination of the Assembly it self, as the only proper and competent Judge.

And that it shall be lawful for us being authorized with lawful Commissions, as at other times, when the urgent necessity of the Kirk shall require, so in this exegence to assemble our selves at the Diet appointed, notwithstanding any impediment or Prorogation to the contrary; And being Assembled against all Qualifications and Predeterminations, or presupposals to propone, treat, reason, vote, and conclude, according to the Word of God, Confession of Faith, and Acts of Lawful Assemblies, in all Ecclesiastical matters, pertaining to the Assembly, and tending to the advancement of the Kingdom of Christ, and good of Religion.

*Thirdly*, And since Archbishops and Bishops have no Warrant for their Office in this Kirk, since it is contrary both to Reason, and to the Acts of the Kirk, that if any have Place or Voice in the Assembly, who are not Authorized with lawful Commissions, and seeing both in common equity and tenour of this Proclamation, they are made liable to the Trial and Censure of the Assembly: We protest that they be not present, as having Place or Voice in the Assembly, but as *rei* to Compeer for underlying Trial and Censure upon the general Complaints already made, and the particular Accusations to be given in against them: And that the warning given by his Majesties Proclamation, and this our Protestation be a sufficient Citation to them to compeer before the Assembly, for their Trial and Censure in Life, Office, and Benefice.

*Fourthly*, We solemnly protest, that we do constantly adhere to our Oath, and subscription of the Confession of Faith, and Covenant lately renewed and approved with rare and undeniable evidences from Heaven of the wonderful workings of his Spirit in the hearts both of Pastors and People through all the parts of the Kingdom. And that we stand to



all Parts and Clauses thereof, and particularly to the Explanation and Application, containing both our Abjuration of, and our Union against the particular Evils and Corruptions of the Time; a Duty which the Lord Time especially craveth at our hands.

5. We also protest, That none of us who have subscribed, and do adhere to our subscription of the late Covenant, be charged, or urged, either to procure the Subscriptions of others, or to subscribe our selves unto any other Confession or Covenant, containing any derogation thereunto, especially that mentioned in the Proclamation, without the necessary Explanation and the Application thereof, already sworn by us, for the Reasons above expressed: and because, as we did in our former Protestation appeal from the Lords of his Majesties Council, so do we now by these renew our solemn Appeal, with all Solemnities requisite, unto the next free General Assembly and Parliament, as the onely Supreme National Judicatories competent, to judge of National Causes and Proceedings.

6. We protest, That no Subscription, whether by the Lords of the Council or others of the Confession mentioned in the Proclamation, and enjoined for the maintainance of Religion, as it is now already, or at this present time established, and professed within this Kingdom without any Innovation of Religion or Law, be any manner of way prejudicial to our Covenant, wherein we have sworn to forbear the practice of Novations already introduced, &c. till they be tried in a Free Assembly; and to labour by all lawful means to recover the Purity and Liberty of the Gospel, as it was established and professed before the aforesaid Innovation.

And in like manner, that no Subscription aforesaid, be any derogation to the true and sound meaning of our worthy Predecessors, at the time of their subscription, in the Year 1581. and afterward. Withall, warning and exhorting all men who lay to heart the Cause of Religion against the Corruptions of the Time, and the present Estate of Things, both to subscribe the Covenant, as it hath been explained, and necessarily applied; and as they love the Purity and Liberty of the Gospel, to hold back their hands from all other Covenants, till the Assembly now Indicted be Convened, and determine the present Differences and Divisions, and preserve this Country from contrary Oaths.

7. As his Majesties Royal Clemency appeareth in forgiving and forgetting what his Majesty conceiveth to be a Disorder, or done amiss in the proceeding of any; so are we very confident of his Majesties approbation, to the integrity of our hearts, and peaceableness of our ways and actions all this time past; and therefore,

We protest that we will still adhere to our former Complaints, Protestations, lawful Meetings, Proceedings, Mutual Defences, &c. All which, as they have been in themselves lawful, so were they to us pressed with so many Grievances in his Majesties absence from this Native Kingdom, most necessary, and ought to be regarded as good Offices, and pertinent Duties of Faithful Christians, Loyal Subjects, and Sensible Members of this Kirk and Commonwealth.

As we trust at all occasions to make manifest to all good men, especially to his Sacred Majesty, for whose long and prosperous Government, that we may live a peaceable and quiet life in all godliness and honesty, we earnestly pray.

Whereupon a Noble Earl, *James Earl of Montross*, &c. in name of the Noblemen, Mr. *Alexander Gibson Younger*, of *Dury*, in name of the Barons

rons, *George Porterfield* Merchant, *Burgess of Glascom*, in name of the Burroughs, *Mr. Harry Rollock* Minister at *Edinburgh*, in name of the Ministers, and *Mr. Archibald Johnston* Reader hereof, in name of all who adhere to the Confession of Faith and Covenant lately renewed within this Kingdom, took Instruments in the hands of three Notars present at the said Mercate Cross at *Edinburgh*, being invironed with great numbers of the aforesaid Noblemen, Barons, Gentlemen, Burroughs, Ministers, and Commons, before many hundred Witnesses, and craved the Extract thereof; and in token of their dutiful respect to his Majesties Confidence of the equity of their Cause, and Innocency of their Carriage, and hope of his Majesties gracious acceptance, they offered in all humility, with submiss reverence, a Copy thereof to the Herald.

*His Majesties Pleasure Declared, the Eighteenth of August 1637. concerning Ecclesiastical Courts.*

**W**Hereas in some of the Libellous Books and Pamphlets lately published, the most Reverend Fathers in God, the Lord Archbishops and Bishops of the Realm, are said to have usurped upon his Majesties Prerogative Royal, and to have proceeded in the High Commission, and other Ecclesiastical Courts, contrary to the Laws and Statutes of the Realm, It was Ordered by his Majesties High Court of Star-Chamber, the Twelfth day of *June* last, that the Opinion of the two Lords Chief Justices, the Lord Chief Baron, and the rest of the Judges and Barons, should be had and certified in these particulars, *viz.* Whether Processess may not issue out of the Ecclesiastical Courts in the names of the Bishops? Whether a Patent under the Great Seal be necessary for the keeping the Ecclesiastical Courts, and enabling Citations, Suspensions, Excommunications, and other Censures of the Church? and, Whether the Citations ought to be in the Kings name, and under his Seal of Arms; and the like for Institutions, and Inductions to Benefices, and correction of Ecclesiastical Offences? Whether Bishops, Archdeacons, and other Ecclesiastical Persons, may or ought to keep any Visitation at any time, unless they have expresse Commission or Patent under the Great Seal of *England* to do it, and that his Majesties Visitors onely, and in his name and right alone? Whereupon his Majesties said Judges having taken the same into their serious consideration, did unanimously concur and agree in Opinion, and the first day of *July* last certified under their Hands, as followeth, *That Processess may issue out of Ecclesiastical Courts in the name of the Bishops; and that a Patent under the Great Seal is not necessary for the keeping of the said Ecclesiastical Courts, or for the enabling of Citations, Suspensions, Excommunications, and other Censures of the Church; and that it is not necessary that Summons, Citations, or other Processes Ecclesiastical in the said Courts, or Institutions, or Inductions to Benefices, or Correction of Ecclesiastical Offences by Censure in those Courts, be in the Kings name, or with the stile of the King, or under the Kings Seal, or that their Seals of Office have in them the Kings Arms: And that the Statute of Primo Edwardi Sexti, cap. secundo, which Enacted the contrary, is not now in force: And that the Bishops, Archdeacons, and other Ecclesiastical Persons,*

*may*



*may keep their Visitations as usually they have done, without Commissions under the Great Seal of England so to do.*

Which Opinions and Resolutions being declared under the Hands of all his Majesties said Judges, and so certified into his Court of Star-Chamber, were there Recorded. And it was by that Court further Ordered the fourth day of the said Moneth of *July*, that the said Certificate should be enrolled in all other his Majesties Courts at *Westminster*, and in the High Commission, and other Ecclesiastical Courts, for the satisfaction of all men, that the Proceedings in the High Commission, and other Ecclesiastical Courts, are agreeable to the Laws and Statutes of the Realm.

And his Royal Majesty hath thought fit, with advice of his Council, that a publick Declaration of these the Opinions and Resolutions of his Reverend and Learned Judges, being agreeable to the Judgments and Resolutions of former times, should be made known to all his Subjects, as well to vindicate the legal proceedings of his Ecclesiastical Courts and Ministers, from the unjust and scandalous imputation of Invading or Intrenching on his Royal Prerogative, as to settle the minds, and stop the mouths of all unquiet Spirits, that for the future they presume not to censure his Ecclesiastical Courts or Ministers in these their just and warranted proceedings. And hereof his Majesty admonisheth all his Subjects to take warning, as they will answer the contrary at their perils.

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*The Kings Pleasure Declared, to confirm to his Subjects their Defective Titles, Estates, and Possessions (as well by colour of former Grants, as without any Grant from the Crown) by his Commission lately renewed and granted to that purpose.*

**W**Hereas the Kings most excellent Majesty, in his gracious favour towards his loving Subjects, did not only renew his Commission of Grace, but also by his Proclamation given at *Whitehall*, dated the sixth day of *December*, in the fourth Year of his Reign, did Declare, That in his gracious intention towards his said Subjects, that he had authorized the Lords, and others of his Privy Counsel, and others of his Judges, and Counsel learned, by his said Commission to Sell, Grant, and Confirm to such of his Subjects whom it might concern, their Defective Titles, Estates, and Possessions in such Mannors and Lands which they did enjoy, not onely under colour of some defective, void, or insufficient Grants, or by Letters Pattents of Concealments; but also for those Mannors and Lands which they did possess meerly by Intrusion and Usurpation, without any colour of Right and Title, they never having had any Grants thereof at all, either from his Majesty, or any of his Predecessors; and yet their said Estates and Possessions are not settled by the Act of Parliament made in the One and twentieth Year of the Reign of his Dear and Royal Father King *James* of blessed Memory, lately deceased,

fed, intituled, *An Act for the General Quiet of the Subjects, against all Pretences of Concealments*; conceiving that his said Subjects would have been as forward to have embraced his said intended Grace towards them, for their own good and relief, as he was graciously pleased to offer it them. But his Majesty finding the contrary, and the same wholly to be neglected, might now in Justice and Reason reduce to the Crown, all such other Mannors and Lands whereto his Highness hath Right and Title, and which were not settled by the said Act to the increase of his Revenue.

But his Majesty not being willing to construe this in the worst sense, and having nothing more in his Princely desire, than the general Good of his Subjects, preferring their Peace and Quiet before his own Benefit, hath once more, not onely renewed, but also for the greater relief of his said Subjects, enlarged his said Commission of Grace to sundry his said Lords, and others of his Privy Council, Judges, and Counsel Learned, giving them the like Authority to compound with such of his loving Subjects whom it may concern, and shall seek Composition at their hands, for any of the Mannors, Lands, Tenements, and other the Hereditaments of the several natures and qualities contained and expressed in the Schedule, which his Majesty hath caused hereunto to be annexed; whereby each one whom it concerneth, may take knowledge, for what and how he may be relieved by the said Commission, if in time, and by a due course he shall seek the same.

But his Majesty doth further declare his Royal Pleasure by this publick Declaration to be, That if those whom it may concern, shall not by, or before the Feast of *All-Saints* next, attend his Majesties Commissioners, for such moderate and reasonable Compositions as shall be found fit and equal for them, for or concerning any of the said Premisses so by them intruded upon, and unjustly detained from his Majesty, that his Majesty will not in prejudice of his just Title and Revenue, defer his own Benefit any longer, but either take a legal Course for the reducing of such of the said Mannors and Lands, and other the Premisses (of such person and persons as shall any longer neglect this his gracious Offer) to the increase of his Revenue, or otherwise grant the same over unto such others as shall be Suitors to him for the same.

And his Majesty the better to be informed who embraceth this his Royal Grace, and who neglecteth the same, hath appointed and commanded *Robert Tipper* of *Grays-Inn* his Majesties Servant, to attend his Majesties Commissioners, as in former times he hath done, who is to acquaint his Majesties said Commissioners with the state of the several Cases of those that shall seek a Composition as aforesaid, and who do accept this his Majesties Grace, and who not, whereupon such further proceeding may be had, according to their said several neglects, as his Majesty in his Wisdom shall think fittest.

*Given at Whitehall the Seven and twentieth day of May, in the sixth Year of the Reign of King Charles, of Great Britain, France, and Ireland.*



A Proclamation for Adjournment of part of  
TRINITY TERM.

**T**he Kings most Excellent Majesty finding that the Infection of the Plague is at this present scattered and dispersed in the City of London, and Suburbs, and some Parishes adjoining to the same; and weighing the danger and inconveniences which may fall out, by the resort of his Subjects from all parts of the Kingdom to his Cities of London and Westminster for their necessary Causes and Suits, the next Term: and being providently careful to prevent all Occasions that may tend to the increasing or dispersing of the Plague; hath thought good (by the advice of his Privy Council) to publish his Royal Pleasure, to adjourn some part of Trinity Term next; that is to say, in and from the second Return thereof, called Octabis Trinitatis, until Tres Trinitatis, being the last Return of the same. And that to be for such Causes onely, and for such intent and purpose, as hereafter is expressed.

And therefore his Majesty doth hereby Signifie and Declare his Will and Pleasure is, That Writs of Adjournment shall be directed to the Justices of either Bench, and to the Judges of all other his Majesties Courts, to whom like Writs have been usually directed, giving them power to adjourn the next Trinity Term, in, and from Octabis Trinitatis next, until Tres Trinitatis then next following; and the said Adjournment to be made the first day of the said Octabis Trinitatis, called the day of the Effoigns; and his Majesty considering in his Princely Wisdom the prejudice that may grow to many of his Subjects in their Causes and Suits if that Term should be wholly Adjourned, hath therefore by the Advice of his said Council determined, to have some part thereof to be holden and continued for some few days in the beginning and ending of the same, as is before Declared; wherein, nevertheless, his Majesties intention is, that the same days shall be used onely for the better expediting and continuing Causes and Suits, and Returning and Suing out of Process, and for such other like things as may be performed and done in the absence of the Parties by their Attornies; And therefore his Majesty doth hereby Declare his Will and Pleasure to be, That in the said Term there shall be no Trials by Juries, or any Judgments upon Demurs, or special Verdicts, or such like in any of his Courts of Kings Bench, Common Pleas, or Exchequer; And also, that there shall be no Judicial hearing, or Determining of any Causes or Matters, in any of his Courts of Star-Chamber, Chancery, Exchequer-Chamber, Court of Wards, Dutchy-Chamber, or Court of Requests, during the said Term: And that no Party shall need to be present in person for any such Causes or Suits, but the same may be attended and done by their Attornies. And his Majesty doth hereby further Mounce and Declare, That no Party shall be compelled or need to appear in person in any of his Majesties said Courts at any time during the said Term, but may make their Appearance by their Attornies.



saving onely in Cases of Out-Lawry, and other the Cases mentioned in the Proviso hereafter following: And also that no Juries, or any whom the same may concern, shall be compelled, or need to appear in any of his Highnesses Courts at Westminster, at any time during the said Term, for any Cause or matter whatsoever, unless it be for some special and important Cause for his Majesties Service onely: Provided nevertheless, and his Majesties Pleasure and Commandment is, that all Collectors, Receivers, Sheriffs and other Accomptants, and all other persons that should or ought to account, or pay any Sum or Sums of money in any of his Majesties Court of Exchequer, Court of Wards and Liveries, or of his Duchy of Lancaster, or in any one of them, or enter into any Account in any of the said Courts, shall repair to the accustomed places at Westminster, and there to pay, and do in every behalf, as though no such Proclamation or Adjournment had been had or made.

And his Majesties further Pleasure and Commandment is, That all Sheriffs shall Return into his Majesties Court of Exchequer, Court of Wards and Liveries, and Duchy of Lancaster, all manner of Writs and Process issued out of the same Courts, and Returnable in Trinity Term next, which in any sort concern his Majesties Revenues. Debts, or Duties, at or before the days of Returns thereof into such Offices from whence the said Writs and Process did issue: And that all Commissioners likewise Return all manner of Commissions and Inquisitions Returnable the same Trinity Term, and from the said Court sent, whereby his Majesty is to receive Profit and Commodity.

And all Sheriffs, Collectors, and all manner of Accomptants, and every person that is to pay any kind of Debt or Duty unto the Kings Majesty, in any of the said Courts, do either by themselves, their Deputies or Attornies, pay the same in such sort as they ought to have done, if no such Proclamation or Adjournment had been made, or else to sustain such Damage of Issues, Seizure, Fine, Amercement, and Penalty to be imposed upon them, as hath been accustomed, without any hope to be discharged thereof. And that all Sheriffs by themselves, or their sufficient Deputies, shall give their attendance at the day appointed for their Opposal in the Court of Exchequer, to answer their Returns before his said Barons, as hath been heretofore accustomed: and if any default shall be made by any of the persons aforesaid, that then (in respect of the Kings present necessary and extraordinary charges) Serjeants at Arms and Pursebants shall be sent to bring them up to answer their Contempt and slackness in payment.

And his Majesties further pleasure is, and he doth expressly Require and Command, That all and every person and persons, who by any of his Majesties former Proclamations have been required to depart from the Cities of London and Westminster, Suburbs and Liberties thereof, and places adjoining, and to reside in the Country, do conform themselves accordingly, and that they presume not to remain here, after the end of this present Easter Term, under pretence of Law-Suits, or otherwise. And because his Majesty hopeth, that by the sending away of those multitudes of persons inhabiting in the Country, there may be a better opportunity for the Magistrates in and near the City of London



to Govern the said City and the parts adjacent, in such sort as that the Sick and Infected may be severed and kept from the Whole; whereby, and by the Blessing of God, the further Spreading of the Infection may be staid.

Therefore his Majesty doth especially Charge and Require, as well the Lord Mayor and Aldermen of the City of London, as the Justices of Peace, and all other Officers and Ministers within Westminster, Middlesex, Surry, and Kent, to take special care, that as well the Orders lately published by his Majesties direction, as such other as shall be found necessary for preventing the Spreading of the Infection, be from time to time strictly put in execution: And also that all other Justices of Peace in all other Counties, Mayors, Bailiffs, and Chief Officers of Cities and Towns Corporate, and other places within their several Jurisdictions, be careful to do the like, as there shall be occasion, as they tender his Majesties Royal Commands, and the Common Safety of his Kingdoms and People in these times of Danger.

Given at our Honour of *Hampton-Court* the Seven and twentieth day of May, in the Twelfth Year of our Reign of *England, Scotland, France, and Ireland.*

*The Intentions of the Army of the Kingdom of Scotland,  
Declared to their Brethren of England, by the Com-  
missioners of the late Parliament, and by the General,  
Noblemen, Barons, and other Officers of the  
Army.*

THE best Endeavours and greatest Works wherein the good Hand and Providence of God have been most evident and sensible, and the hearts and intentions of Men, called to be the Instruments, most *pious* and *sincere*, Though they found approbation with the *Wiser Sort*, and such as are given to *Observation*, yet they have ever been subject to be misconstrued by blind *Suspicion*, to be reproved by Caveling Censure, which maketh place for it self to enter, where it findeth none, and to be condemned of the *Ignorant*, but most of all of the *Malicious*, who cannot be pleased, even when God is best pleased; and when men seek to approve themselves to every ones Conscience, but in their hearts wish rather that the Temple should not be Built, Religion never Reformed, and they themselves, *Issachar* like, couch between the two Burthens, than that they should be in their Worldly Projects or Possessions opposed or troubled. The *deliverance* of the People of God of Old from the *Egyptian Servitude*, the *Redemption* of the Church by the Son of God, and the *Planting* of Christian Religion by his *Servants*, and the *Vindication* of Religion from Romish Superstition and Tyranny, which are the greatest and most wonderful works of God, have been most bitterly calumniated, and spitefully spurned against by the Wicked.



The *Nature* and *Quality* of this *good work* wherein the *Lord* hath honoured us to be *Actors*, and the experience which we have found of continual *opposition* since the beginning, may teach us, if we be not *as the Horse and Mule which have no Understanding*, that we are to expect the gain-saying of *Sinners*, and that nothing can be hatched in *Hell* by Satan, or prompted by his *Supposts* on Earth, which will not be produced to make us, and the *Cause of God* which we maintain, odious to all men, but most of all to our Neighbors and dearest Brethren. When we shall now enter into *England* it will be laid to our charge that we mind nothing but *Invasion*, and that no less hath been intended by us from the beginning, than under the pretext of seeking our Religion and Liberties to enrich our selves with their *Possessions* and *Goods*: But our peaceable carriage many years past before the time of those late *Troubles*, our *Informations*, *Declarations* and *Remonstrances* published to the World, wherein we have Cursed all National *Invasion*, and our willingness when we were in Arms, to lay them down, upon the small hopes of injoying our Religion and Liberties; and our forbearing now, by way of *Reprital*, to satisfy our selves upon the *Ships* and *Goods* of our Dear Brethren of *England*, for those *Ships* and *Goods* of ours that have been taken by the *Kings Ships*, which possibly we might have been able to do, had not *Justice* forbidden us to take from them, whom we are assured, neither wish us *harm*, nor have done us *wrong*, will be conceived by the *Wise* and well affected to be more plain and sure evidences of our meaning, than all that *Malice* can devise, or *Calumny* can express against us.

Neither have any new Emergents altered, but rather confirmed our former *Resolutions*: for although both before and since the late *Pacification* we have been highly injured by some *Papists* and *Prelats*, and their Adherents there, who have been, and are still seeking no less, than that we should no more be a Church or Nation; and therefore themselves cannot think but we must accompt of them as *Gods Enemies* and ours: Yet above all the *favours* we have received from the *Good People and Body of the Kingdom of England*, One there is which hath highly honoured them before the World, and endeared them unto us more than before, which shall never be forgotten by us, and we hope shall be thankfully remembred by our Children, and Childrens Children after us, to all *Generations*; that when upon misinformation the Council of *England* had concluded to raise Force against us, when the *Parliament of Ireland* had offered their Persons and Estates for supply against us; when all *Plots* and *Policies* were set on work, and *Publick Declarations* by Authority were made, and the *Parliament* called for this very end, when we had been traduced, and Proclaimed as Traitors and Rebels at every Parish Church, yet so *wise*, so *grave*, so *just* was that *High Court of Parliament* (to their everlasting honour be it remembred) that no *threatnings* nor *fears*, no *promises* nor *hopes*, no *fineness* nor cunningly devised *suggestion* could move them to decern a War, or grant any Subsidy for a War against us, but rather by their *Speeches*, *Complaints* and *Grievances* parallel to ours, did justify the Cause (so much as in them was) which we defend. This *rich* and *recent favour* doth so bind our hearts, that were our *Power* never so great, we should judge our selves the *unworthiest of all men*, and could look for no less than *Vengeance from the righteous GOD*, if we should move hand or foot against that Nation so comfortably to us represented in that *Honourable Meeting*. In this our *thankful acknowledgment*, we desire that the *City of London* may have their own large share, as they well deserve



deserve by the noble profession they have given of their constant affection to Religion, and the *Peace* of both Kingdoms, notwithstanding the continual assaults of the misleaders of the King against them, always rendring them *seditions* in his ears. And if this which doth so convince us shall not be *thought sufficient to satisfy all the good People of England*: We now before God and the World make offer in general, and we make offer to so many of them as shall require it in particular, *of the strongest and most inviolable bond of our solemn Oath and Religious attestation of the Great Name of GOD, who is our fear and dread, and from whom we hope for a blessing upon our Expedition, that we intend no Enmity or Rapine, and shall take no mans goods, nor engage our selves in blood by fighting, unless we be forced unto it, which we may look for from the Papists and Prelates*: But if any such thing shall come from *godly men*, or good Patriots, who love the *truth of Religion*, or the Kings *Honour*, and their own *Liberty*, both the rule of *Charity* (which entertaineth no suspicion where there is no evil deserving) and the soul of *Wisdom* (which teacheth that both Nations must now *stand or fall together*) do forbid us to apprehend. All the design of both Kingdoms is for the *truth of Religion*, and for the *just Liberty* of the Subject, and all the devices and doings of the Enemy are for the *oppressing* of both; that our Religion may be turned into Superstition and Atheism, and our *Liberty* into base *Servitude* and *bondage*. To bring this to pass they have certainly conceived, that the blocking up of this Kingdom by Sea and Land would prove a *powerful and infallible means*: For, for either within a very short time shall we through want of *Trade*, and spoyling of our *goods* be brought to such extreme *Poverty* and *Confusion*, that we shall miserably desire the *Conditions* which we now despise, and decline, and be *forced* to imbrace their *will* for a Law, both in Church and *Policy*, which will be a Precedent for the like misery in *England*, who timouly foreseeing it may be taught by their and our danger to be more *wise*; or upon the other part, we shall by this Invasion be constrained furiously and without order to break into *England*, which we believe is the most earnest desire of our common *Enemies*, because a more speedy execution of their *design*: For we doubt not but upon our *coming* Clamours will be raised, Posts sent, and Proclamations made, through the Kingdom. to slander our *pious* and *just intentions* (as if this had been our meaning from the beginning) to stir up all the English against us, that once being entred in *Bloud*, they may with their own Swords extirpate their own Religion, lay a present *foundation* with their own hands for building of *Rome* in the midst of them, and be made the Actors of their own and our *slavery* to continue for ever. But in this admirable *opportunity* of *vindicating* of true Religion and *just liberty*, if *Divine Providence* be looked upon with a *reverent eye*, and *men fearing God*, and loving the Kings *Honour*, and *Peace* of both Kingdoms, shall walk worthy of their *Profession*, although the Enemies have obtained so much of their desires, as by cords of their own twisting, to draw us into *England*, yet may their main design be disappointed, the Rope which they have made brought upon their own necks, and their *wisdom* turned to *foolishness*, which we have reason to hope for from that *Supreme Wisdom* and *Power* which hath in all the proceedings of this work turned their devices upon their own pates that *plotted* them.

In our *Informations*, *Remonstrances*, and the true *Representation* of our proceedings since the last *Pacification*, we have so far expressed the wrongs which we have sustained, and the *distresses* which we suffer, as  
may



may make manifest our pressing necessity to take some other course for our present relief, than such *Petitions, Supplications, and Commissions*, as we have used before with less success than could be expected of a Kingdom from their *native King*. Before we stirred so much as with a *Petition*, we endured for many years, not only the continual *opposition* of the *truth*, and power of Religion by Prelates and Papists, but also the violation of all our *Liberties*, and almost the total subversion of our Religion, which was our comfort in the sight of *God*, and the glory of this Nation in the sight of other Churches, who by the testimony of their Divines made our Reformation the measure of their Wishes, and would have redeemed it with their greatest worldly losses, when gross Popery was notoriously obtruded upon us in the Book of Canons and Common Prayer, without consent or knowledge of the Churches; and the Plot of the Prelates and Papists wholly discovered how to settle it in both Nations: We added to our former sufferings no other Arms but *Prayers* and *tears* unto *God*; and *Petitions* to our King, which were utterly rejected; the Books and corruptions against which we *petitioned* highly *exalted*, and by the *insolent advice* of those who govern now his Councils, labour to establish their own ill acquired greatness upon our oppression, and the ruins of our Religion and Liberties. We were forbidden to insist, under the pain of High Treason, when we found our selves thus opposed and born down; still insisting in our humble desires we solemnly renewed our solemn and National Oath and Covenant for preserving of our Religion and Liberties, and of his Majesties Authority, knowing the *violation* of that Oath to be the guiltiness which had procured our woes, and that our Repentance and turning to *God* were the means by his blessing for a good success: When contrary to our deserving and expectation his Majesty was moved by wicked Counsel to march toward us with an Army, we choosed rather to neglect such courses as might serve for our humane safety, than to fall in seeming disobedience to our King, or to give the smallest distaste to our Brethren in *England*, and therefore disbanded our Forces, delivered all Holds which were craved, in testimony of our *obedience*, and so far complied with his Majesties pleasure, that notwithstanding the determination of our lawful former Assembly, called by his Majesty, we were contented that a new free Assembly and Parliament should be appointed, where all things both concerning our Religion and Liberties might again be considered and established. When matters Ecclesiastical were determined in the Assembly according to the Constitutions of the Church, in the presence, and with the consent of his Majesties Commissioner; and the Parliament was convened for perfecting the work, although we walked therein so warily that no just provocation was given to his Majesty, yet contrary to the Laws and Customs of this Kingdom, the Parliament so certainly promised, when his Majesty was free of those bad Counsellours, was (being again in their power) by their advice prorogued, which to shew our invincible *obedience* we were content to suffer, and did send up our Commissioners to *London* to render the reasons of our Demands. When our Commissioners and *Petitions* of the Parliament, called by his Majesty, were so far rejected, that they were never seen or heard. We send up our Commissioners again with our *Propositions*, which contained nothing but what was necessary for the *peace* and *Good* of the Kingdom, and was granted to us before under his Majesties hand, yet could they find no answer at all, which will be wondrous at, and hardly believed by so many as are strangers at Court,

and



and know not the Bishop of *Canterbury*, and the Lieutenant of *Ireland*, with the assistance of the too too powerful Faction of the *Hispaniolz* & *Papists* labour to shew their zeal for his Majesties greatness, by oppressing the just Liberties of the free Subjects, and the Reformed Religion in all the three Kingdoms. But in place of the gracious Answer which we expected, our Commissioners were *restrained*, and one of the Noble men *imprisoned*; Garrisons of *Strangers* set over our heads, in an *insolent* and Barbarous way exercising their cruelty, even against Women and Children; our Ships and *Goods* taken and sunk, and the Owners stript naked, and more inhumanely used at the Commandment of abused Authority, by the Subjects of our own King, than by Turks and Infidels, and great Armies prepared against us, with a terrible Commission to subdue and destroy our *selves*, our Religion, Liberties, Laws and all. In this extremity for us to send new Commissioners and Petitions were against *sense* and *experience*, those that Govern the Kings Counsels being far from any inclination or intention to satisfy the just desires and *grievances* of the Subjects, as they have made manifest by breaking up of the Parliament in both Kingdoms, ( though we know them to be often countervoted by many of that Honourable Board, more candid and peaceably minded. ) To sit still in senselessness and security, waiting for our own destruction at the discretion of our merciless enemies ( which were it not at this time with the Cause of *God* would move us the less ) is not only against Religion, but Nature, teaching and commanding us to study our own *preservation*. To endure continual *threatnings*, and so great *hostility* and *invasion* from year to year, which is the professed policy of our enemies is impossible, and when we have examined our own strength, more than we are able to bear. We have therefore, after much agitation and debating with and amongst our selves, resolved to have our proceedings, which have been canvassed by so many, and are brought to some point of *determination* in our own Parliament, to be better known to the Kings Majesty, and the world, and especially to the Kingdom of *England*, that against all false and artificial relations, they being nakedly seen to be what they are, we may obtain a better grounded and more durable *peace* for the injoying of our own Religion, and Laws; and as we desire the unworthy Authors of our *Troubles*, who have come out from our selves to be tried at home, and *justice* to be done upon them according to our own Laws, so shall we press no further process against *Canterbury*, the Lieutenant of *Ireland*, and the rest of those pernicious Counsellours in *England*, the Authors of all the miseries of both Kingdoms, than what their own Parliament shall discern to be their just deserving. When we look upon this work of *Reformation* from the beginning, and perceive the impressions of the Providence of *God* in it, we are forced in the midst of all our *difficulties* and *distresses* to bless *God* for his Fatherly care and free love to his Church and Kingdom, and to take courage and spirit to proceed in *patience* and *perseverance* whither he shall go before us, and lead us on. When the Prelates were grown by their Rents and Lordly Dignities, by their power over all sorts of his Majesties Subjects, Ministers and others, by their places in Parliament, Council, Colledge of Justice, Exchequer, and High Commission, to an absolute Dominion and Greatness, and setting the one foot upon the Church, and the other upon the State, were become miserably Insolent; even then did the work begin, and this was the *Lords opportunity*. The beginnings were small, and promised no great thing, but have been so seconded and continually followed by *Divine Providence*,

*Providence*, pressing us from step to step, that the *necessity* was invincible, and could not be resisted. It cannot be expressed what motions filled the heart, what *tears* were poured forth from the *eyes*, and what *cries* came from the *mouths* of many thousands in this Land at that time, from the sense of the *love* and *power* of *God*, raising them as from the *dead*, and giving them hopes after so great a deluge and vastation to see a new world, wherein Religion and Righteousness should dwell. When we were many times at a pause, and knew not well what to do, the *fears*, the *furies*, the *peevishness*, and the *plots* of our demented Adversaries opened a way unto us, and taught us how to proceed; and what they devised to ruine us, served most against themselves, and for raising and promoting the work. O *Providence* to be adored! Although neither Council nor Session, nor any other Judicature hath been all this time sitting, and there have been meetings of many thousands at some times, yet have they been kept without *tumult* or *trouble*, and without excess or riot, in better order and greater quietness, than in the most *peaceable* times have been found in this Land. When we were content at the *pacification* to lay down *Arms*, and with great loss to live at home in *peace*, our wicked *Enemies* have been like the troubled Sea when it cannot rest, whose *waters* cast up mire and dirt, and will have us to do that which it seems the *Lord* hath decreed against them. The *purity* of our *intentions* far from base and earthly respects, the bent and inclination of our *hearts* in the midst of many dangers, the fitting of instruments, not only with a desire and disposition, but with spirit and abilities to overcome *opposition*, and the constant peace of heart accompanying us in our ways, which beareth us out against all *accusations* and *aspersions*, are to us strong grounds of assurance that *God* hath *accepted* our *work*, and will not leave us: We know the *Lord* may use even wicked men in his *service*, and may fill their Sails with a fair gale of *abilities*, and carry them on with a strong hand, which should make us to search our hearts more narrowly. But as this ought not to discourage his own *faithful* *Servants*, who out of *love* to his Name intend his *honour*, walk in his *ways*, find his *peace* comforting them, his *Providence* directing them, and his *presence* blessing them in their *Affairs*. So can it not be any any just ground of quarrelling against the *work* of *God*. Yet all these our encouragements which have upholden our *hearts* in the midst of many *troubles*, could not make our entry into *England* warrantable, if our *peace* (which we earnestly seek and follow after) could be found at home or elsewhere. Where it is to be found we must seek after it, and no sooner shall we find it clearly secured to us, but by laying down our *Arms*, and by the evidences of our *peaceable* disposition, we shall make it manifest to the world, and especially to the Kingdom of *England*, that we are seeking nothing else but *peace*, and that our taking up of *Arms* was not for Invasion, but for Defence. No man needeth to plead by *positive* *Law* for *necessity*. It is written in every mans heart by *nature*, and in all *actions* we find men have received it by *practice*, that *Necessity* is a *Sovereignty*. A Law above all Law is subject to no Law, and therefore is said to have no Law. Where *Necessity* commandeth, the Laws of *Nature* and Nations give their *consent*, and all *positive* *Laws* are silent and give place. This Law hath place, sometimes to excuse, sometimes to extenuate, and sometimes to justify and warrant *actions* otherwise questionable: And no greater necessity can be than the preservation of Religion, which is the *Soul*; of the *Country*, which is the *Body*; of our *Lives*, who are the *Members*; and of the *honour* of our King, who is the *Head*. All these at  
this



this time are in a common hazard, and to *preserve* and *secure* all, we know no other way under the Sun. ( And if any be so wise as to know it, we desire to hear it, and shall be ready to follow it ) but to take order with our common Enemies where they may be found, and to seek our *assurance* where it may be given. The Question is not, Whether we shall content our selves with our own *poverty*, or *enrich* our selves in *England* ? That Question is *impious* and *absurd*. Neither is the Question, Whether we shall *defend* our selves at *home*, or *invade* our *Neighbours* and dearest Brethren ? This also were *unchristian* and *unreasonable*. But this is the Question, Whether it be *Wisdom* and *Piety* to keep our selves within the Borders till our *Throats* be cut, and our Religion, Laws, and Country *destroyed* ? Or, shall we bestir our selves, and seek our *safeguard*, *peace*, and *liberty* in *England* ; whether we shall *do* or *die*, whether we shall *go* and *live*, or *abide* and *perish* ? Or more largely to express all, Whether we who are not a few *private persons*, but a whole Kingdom, shall lie under the *burden* of so many *accusations*, as scarcely in the *worst times* have been charged against Christians, receive the Service Book, and the whole body of Popery, embrace the Prelates and their abjured Hierarchy, renounce our solemn Oath and Covenant, so many times sworn by us, lose all our labour and pains in this Cause, and forget our former *slavery* and wonted desires of *redemption* at the dearest rate ; tickle the minds of our enemies with *joy*, and strengthen their hands with *violence*, and fill the *hearts* of our Friends with *sorrow*, and their *faces* with *shame* because of us ; *desert* and *dishonour* the Son of God, whose Cause we have undertaken, whose *Banner* we have *displayed*, and whose *truth* and *power* hath been this time past more comfortable to us, than all the *peace* and *prosperity* of the world could have rendered, and draw upon our selves all the *Judgments* which God hath executed upon Apostates since the beginning, and shall we fold our hands, and wait for the perfect *slavery* of our selves and our Posterity, in our *Souls*, *Bodies*, and *Estates*, and ( which is all one ) foolishly to stand to our *defence* where we know it is impossible ? Or shall we seek our relief in following the Calling of God ( for our *necessity* can be interpreted no less ) and entering by the *door* which his *Providence* hath opened unto us, when all ways are stopped beside. Our Enemies at first did shroud themselves so far under the Kings Authority, that they behooved to stand or fall together, and that to Censure them was Treason against the King. Now we have shewn that a Kings Crown is not tied to a Prelates Mitre, and that the one may be cast unto the ground, and the other have a greater lustre and glory than before. Now they take themselves to another starting hole, and would have men to think that to come into *England* against them is to come against *England*, and to pursue them, although Legally, is to invade the Kingdom where they live ; as if the cutting away of an Excrecence, or the curing of an Impostume were the killing of the *Body*. Let them secure themselves under the shelter of their own *Phantasies*, but we are not so undiscerning, as like mad men to run furiously upon such as we first meet with and come in our way : For although it cannot be denied but the wrongs done to us, as the breaking of the late *Peace*, crying us down as Rebels and Traytors, the taking of our Ships and Goods, the Imprisoning of our Commissioners ; the Acts of Hostility done by the English in our Castles : Had they been done by the State or Kingdom of *England*, there might have been just causes of a National quarrelling, yet seeing the Kingdom of *England* convened in Parliament have refused to contribute any Supply against us,

have shewn themselves to be prest with *grievances* like unto ours, and have earnestly pleaded for redress and remedy, and a Declaration made that his Majesty out of Parliament will redress them, which might be a cure for the grievances of particular Subjects: But National grievances require the hand of the Parliament for their cure; for preventing whereof the Parliament was broken up and dissolved. Neither do we quarrel with the Kingdom for the Injuries which we sustain, but our quarrel is only with particular men, the Enemies of both Nations: Nor can they quarrel with us, for taking order with the prevalent Faction of Papists and Prelates, the Authors of so many woes to both Nations.

Let all who love Religion and their *Liberty* joyn against the common Enemies, and let them be accursed that shall not seek the preservation of their neighbour Nation, both in Religion and Laws, as their own; as knowing that the ruine of one will prove the ruine of both. And knowing well (as having from their own Counsels discovered it) that the ruine of both was intended, and that it was ever their plot and purpose, that if they could not engage our dearest Brethren, and neighbour Nation in a War for our *destruction*; then to give us some ill assured *peace*, which might bind our hands, and hold us quiet, until the yoke of bondage were more heavily and unremovably laid upon our Brethren of *England* by the help of such an Army as was pretended to be gathered against us, rooting out the Godly people, and active spirits of that Nation, and all those who, as good Patriots, stand well affected to Religion, and their just *Liberties*, and might be suspected would dare stir for the defence and maintenance of either, and thereafter easily find ground to break again with us, when they were once assured that we were like to stand alone: And all the benefit of our *Peace* should be, to be last *destroyed*.

And as we attest the *God* of heaven, that those and no other are our *Intentions*, so upon the same greatest attestation do we declare, That for achieving those ends, we shall neither spare our *pains*, *fortunes*, nor *lives*, which we know cannot be more profitably and honourably spent. That we shall not take from our Friends and Brethren from a *Thread* even to a *Shoe Latchet*, but for our own moneys, and the just payment: That we come amongst them as their Friends and Brethren, very sensible of their by-past sufferings, and present dangers both in Religion and Liberties, and most willing to do them all the good we can, like as we certainly expect that they (from the like sense of our hard condition and intolerable distress which hath forced us to come from our own Country) will joyn and concur with us in the most just and Noble ways for obtaining their and our most just desires. And when our own *moneys* and means are spent, we shall crave nothing but upon sufficient surety of payment how soon possibly it can be made, what is necessary for the entertainment of our Army, which we are assured so many as love Religion and the *peace* of both Kingdoms will willingly offer, as that which they know we cannot want, and in their wise foresight will provide the way to furnish necessities, and to receive the *surety*. This course being kept by both sides, will neither harm our Brethren (for they shall be satisfied to the last *farthing*) nor our selves, who look for a recompense from the *rich Providence of God*, for whose sake we have hazarded the loss of all things.

The escapes of some Souldiers (if any shall happen) we trust shall not be imputed to us, who shall labour by all means to prevent them  
more



more *carefully*, and punish them more *severely* than if done to our selves, and in our own Country. Our professed Enemies the Papists, Prelates, with their Adherents, and the Receivers of their Goods and Geir, we conceive will be more *provident* than to refuse us necessary *sustentation*, when they remember what Counsel was given by them for Declaring all our *Possessions* to be *forfeited*, and to be disposed of to them as well deserving Subjects.

We shall demand nothing of the Kings Majesty but the settling and securing of the *true Religion* and *Liberties* of this Kingdom, according to the Constitutions and Acts of the late Assemblies and Parliament, and what a *just* Prince oweth by the Laws of *God* and the Country to his grieved Subjects, coming before him with their *humble desires* and *supplications*. Our abode in *England* shall be no longer time than in their Parliament, our just *Grievances* and *Complaints* may be heard and Redressed, sufficient Assurance given for the legal trial and *punishment* of the Authors of their and our *Evils*; and for Reforming and injoyning their and our Religion and Liberties in *peace*, against the Machinations of *Romish* contrivance acted by their degenerate Country-men. Our returning thereafter shall be with expedition in a peaceable and orderly way, far from all molestation; and we trust the effect shall be against Papists, the extirpation of Popery; against Prelates, the Reformation of the Church; against Atheists, the flourishing of the Gospel; and against Traitors and Firebrands, a perfect and durable *Union* and *Love* between the two Kingdoms: which He grant who knoweth our *Intentions* and *desires*, and is able to bring them to pass. And if any more be *required*, *God* will *reveal* it, and go *before* both Nations, and if *God* go *before* us, who will not *follow*, or refuse to put their *necks* to the work of the Lord?

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*The Battel of Lutzen, 1632. when the King of Sweden was slain, with Circumstances preceding the same.*

**T**He King being arrived at *Naumburg* upon *Thursday* *November* the first, (old Style) took order to have his Army lodged in the Field, Town, and Suburbs. The same day the King went out upon a Party, for discovering of the Enemy. After him, that Afternoon, went these three Gentlemen of the English Nation, Lieutenant-Col. *Francis Terret*, or *Terwhit*, Sergeant-Major *John Pawlet*, and Captain *Edward Fielding*; These three going alone by themselves, to a forsaken Village, where there were two ways thorow it (the King having gone the left-hand way, and they now taking the right) fell into an Ambush of the *Crabats*: The first, and the last named of these three, were taken Prisoners by two Rit-masters of the *Crabats*: One of them, named *Potnick*, a Greek Captain. These two Gentlemen, being carried Prisoners into the Imperial Leaguer, were on the day of the Battel kept Prisoners in the Rear of the Enemies Army, and after the Battel haled into *Prague* among the fleeing Imperialists. They were the first night carried into *Weissenfels*, where *Walenstein* then lay in the Castle of it. He sent the Count of *Pappenheim* to them, the same Evening; to enquire of the



King of *Sweden*s Strength, Lodging, and Intentions, The most of the Imperial Foot lay now in, and near about this *Weissenfels*: Seven or eight hundred of them keeping Guard upon the Market-place. The Imperialists then gave out themselves to be 50000. but it appeared to be spoken by a figure, and to terrifie the King: For that they were not any thing near that number.

To return to the King: His Majesty the next day (being *Friday*) in Person visited all the Avenues and Passes about the Town, and went out again with great Parties of Horse, to take some Prisoners, by whom to learn something of the Enemies. Finding that the Imperialists lay still; and that the Passes, by which he should have gotten to them, were both dangerous and difficult: He returned at night again, and gave order to entrench the Army before *Naumburg* towards *Weissenfels*. Till the Trenches could be made, the Army lay in the Field: After which, the Foot were enquartered in the Town and Suburbs, and the Horse in the next Villages: Some two or three thousand being only left abroad all night to watch the Trenches.

Upon *Sunday*, *November 4.* came there a *Saxon* Boor to *Naumburg* unto the King, with a Letter in his hand, to shew. The Letter was written by the Count *Coloredo*, Sergeant Major-General of the Imperial Army, unto an Officer of his, that lay with his Regiment at *Querfurdt*, on the Western side of the River *Sala*, right against *Hall*, and ten English miles from it. *Coloredo* had enforced this Boor to carry this Letter; And the Contents of it were to this purpose: That the *Generalissimo* had sent the Count of *Pappenheim* to take the *Hall-Castle*: That his men of *Querfurdt* should march up to joyn with *Pappenheim*: And that the next Morning the Imperial Army was to part from *Weissenfels*. This Letter seems to have been written upon the *Saturday* night: According to which date, it agrees rightly with *Walensteins* discamping from about *Weissenfels*; which was indeed done upon the *Sunday*; after that *Pappenheim* was dispatched towards *Hall-Castle*.

Upon this Intelligence, his Majesty the same day, Duke *Bernard*, and Serjeant-Major *Kniphausen*, being at a Council of War, the King propounded the great question unto them two; Whether that in *Pappenheims* absence, ( he being gone to take in *Hall-Castle* ) the Duke of *Fridland* alone were to be set upon? Duke *Bernard* was for the valiant Affirmative: That the advantage was good; and that seeing they knew not how long they should enjoy the opportunity of this division; *Walenstein* was presently to be attacked. But Major *Kniphausen* was for the sober Negative; and that the Enemy was not to be fought withal: His reasons were two:

First, No man is to fight, but when he is apparently stronger than his Enemy, which the King at this time was not.

Secondly, No man is to attack a stronger Enemy, unless compelled by a pressing and unavoidable necessity: That is, either to force his passage when he is hemmed in; or when hunger and want of Victuals constrain him to it, Neither of which being the Kings case, there was no reason for present fighting.

These Reasons so far prevailed with the King, that giving over all thoughts of present fighting, he was resolved to have left a Garrison in *Naumburg*, and to have marcht with his whole Army to conjoyn with the Dukes of *Saxony* and of *Lunenbourg*, who designed to joyn their Forces to the Kings Army, being eight thousand Horse and Foot.

The



The King being thus resolved, sends Post unto the Elector of Saxony, to inform him of his purposes, and to lay the Plot for their uniting. The King desired him to come to *Eilenburg*, upon the West of the River *Mulda*, 14 miles West of *Torgan*, where the Duke then lay with an Army of 4000 Foot, and as many Horse: whereof 2000 Foot and 1500 Horse were the Duke of *Lunenburgs*.

*Walenstein* the same Sunday, drew out from *Weissenfels*, leaving a Captain onely with his Hundred Men, for the keeping of the Castle. Thence marched *Walenstein* unto *Lutzen*, two Dutch Leagues to the East of it: where, and in the Dorps round about it, his whole Army enquartered.

The next day being Monday *Novemb. 5.* the King according to his former Resolution, parted out of *Naumburgh*, to go towards the Duke of Saxony, leaving the Town and Garrison under the Command of the Saxon Colonel *Vitzdum*. For the more lightness and expedition in his March, he commanded his Baggage to stay with the Garrison still in *Naumburgh*, for a day or two; being he thought but onely to have gone and joined with the Elector of Saxony, and then to have returned again to *Naumburgh*. He supposing withal, that *Pappenheim* being now absent, and *Walensteins* men not together, that he should not be disturbed in his March. About Four, before day-light (the Drums having beaten ever since One of the Clock) on the Monday morning he advances towards *Pegan*. The King having notice of *Walensteins* forsaking *Weissenfels*, sends by the way, to take in that Castle. The Hundred Men that *Walenstein* had left in it, did *Coloredo* come so timely to fetch off, that he had done it a very little before the *Svedes* coming.

In the middle of his March, about ten of the Clock the same Forenoon, came there some Gentlemen riding, and some Boors running to the King, with advice that the Imperialists were lying still in several Dorps and Villages hard by, about *Lutzen*, without any intelligence at all of the Kings being in motion. This the King being informed of, calls presently his High Officers to a Council of War, to advise what were best to be determined. His Majesty even then, (and then first) put on the Resolution for Fighting; openly speaking it out, That he now verily supposed that God had given his Enemies into his hand. Ho! Brave Occasion, says the Duke of Saxon—*Lawnenburg*: Now God blefs us (say divers great Officers) it is a happy opportunity. And truly so it was; for divers Prisoners (even then brought in by the Kings Parties, and by Boors) being by the King examined whether they had any Alarm in their Quarters, of his Marching: freely confessed that they had none, and so much was evident enough, for that they were now surprized in their Quarters. Thus thought all the Officers: all being resolved to fall on presently; and indeed there was great reason for it: for could the Kings Army have fallen in amongst those Villages, he had given a Camifado to several of their Quarters at once, have cut off all singly, for that they could never have come together, to unite their Forces, or have succoured one another. This was evident.

The Gentry and Boors that brought him the intelligence, told him *Lutzen* was but hard by: which the King was in good hope of, for that he was even then in sight of it. The Army advanced stoutly, and doubled their March upon it: but their Legs found it a longer way than their Eyes, it being a sad Campagnia, full eight English miles of ground to *Lutzen*. Besides all this, was there a filthy Pass in the way, at a Bridge over



over a River, (where but one or two men could go over abreast) which hindered the Army full two hours going. By this hindrance, was it even night before the Army could get within two English Miles of *Lutzen*.

This ill-favoured Pass was within two English Miles of *Lutzen*, and in the Village that belonged to it, were there two Imperial Regiments of Horse (one of them *Crabats*) enquartered. These having a little notice of the Kings coming, had gotten up their Horses, and taken up a high Hill on the other side of the Pass next to *Lutzen*; they made as though they would have disturbed the Kings passage, but they did not, the Kings Foot marching fairly over, with some Horse amongst them. Some of the Kings Foot were still marching over, till it was dark night or within it. Those that got over first, entertained a slight Skirmish with the Imperial Horsemen, without any loss to the King, killing some 50 or 100 of them, and taking one *Crabats* Ensign. And now the King taking another Hill (right against that which the Imperialists possessed) he from thence let fly some pieces of Ordinance amongst them, which caused them to take the benefit of the night, with some confusion to march off in.

And here the King being surprized with the darkness, was forced to sit down in the open Fields with his Army, himself lying in his Coach, as other Officers did that had them. Here lay he all night in Battalia, every Regiment lying down in the same order that they had marched, with their Arms by them. The Pike-men they stuck up their Pikes an end by them; and every Rott (that is every six) of Musquetiers bringing their Musquets to their Rott-master, he set them right up with their mouths upward, and bound them together with a piece of Match, where they stood ready at hand for all occasions.

The Imperial Army was in a terrible Hubub at the Kings coming over the Pass; for now was the Alarm sent in hot to all the several Dorps and Quarters, even from *Lutzen* unto *Hall* and *Leipsich*. Order upon pain of Death was given, for every man of the Imperial Army, with all speed possible, to repair towards *Lutzen*, to their Generalissimo. Presently upon this began all the Regiments to draw together, some of which were all night upon their Marches, and some Horse that Quartered very far off, being not able to reach up till 10 of the Clock the next morning. And thus (even then) did the Mist so long keep off the King next morning, till his Enemies could be made strong enough for him.

As every Regiment came in, so were they put into order, which continued all night long, as the two English Gentlemen (then Prisoners there) observed. About 10 at night did *Walenstein* begin to think of the places most advantagious for the planting of his Ordinance; some of which having mounted upon the Windmill-hills, he then began to cast up a Trench of Earth about them. All night and next morning his Dragoons and Pioneers wrought with their Spades about the High-way, and to make the Ditches or Drain by it, serve them for a Brest-work to lodge their Musquetiers in. And this was their work too, all the next misty morning, which fatal Weather gave them also the more respite to recover their fears and weariness, and to fortifie themselves against their unconquered Enemy. And thus was the night (the last night to some thousands) over-passed.

The King now over the Pass, had put himself into a necessity of Fighting; and being thus engaged, the sooner he fought, the better: for that his Enemy should be the less provided for him.

Tuesday



Tuesday (that fatal sixth of *November*) at last began to draw near, and alas it came all too early. A gentle Mist, as if fore-dooming how black a day it would be, did his good will to have kept it Night still; and the Sun, as if his great eye had before hand over-read the fatality of the following day, seemed very loth to have begun it. But the Martial King, even forcing himself to awaken time, and hasten on Mortality, would needs make these Clocks and Larums of the Wars, his fatal Drums, to beat two hours before day-light. Arm, Arm, repair to your Colours, keep your Order, stand to your Arms. These were the morning Summons to awaken the hearty Souldiers from a cold, a hard, and earthly Lodging. The Army was easie to be put in order, for that the most part of it had lain and slept in Battalia. One while was the King purposed to have advanced and fallen on presently: but the War being Gods Cause, he would, like *David*, and himself, first ask Council of the God of Battels, and at least recommend his own Cause unto him. The Drums having beaten the first march, he caused Prayers to be read to himself by his own Chaplain D. *Fabritius*; and when there were Ministers at hand, the same was done through every Regiment of the Army.

The Morning proved so misty, that it was not possible to see which way to march, nor where to find an Enemy to strike at. And this (unluckily) staid the Kings thoughts from advancing presently. This was a Fog of advantage unto *Walenstein*, who purposing but to stand his ground, (which by working all night about the Ditch and High-way, his Pioneers had made more troublesome to be assaulted) was now resolved that, if he must fight, he would there abide the first shock; and no way to seek the Battel, or to move towards his Adversary.

About Eight of the Clock the Mist brake up, and but for one mischance in it, promised as fair a day as ever was sixth of *November*. As it began to clear, the King took occasion to encourage up his Souldiers; and going to his own Subjects first, he to this purpose bespake them.

*My dear Brethren, carry your selves bravely this day; fight valiantly, in Gods name, for your Religion, and for your King. This if you do, Gods blessing, and the Peoples praises, shall be your guerdon: and you for ever shall even be laden with an honourable and glorious memorial: nor will I forget to reward you nobly. If you play the Pultrons, I here call God to witness, that not a bone of you shall ever return again to Sweden.*

The Kings Oration to the Swedes.

To the German Troops this was the Oration. *O you my Brethren, Officers, and Fellow-Souldiers of the German Nation! I here most earnestly intreat and beseech you, to make full trial of your valour this one day against your Enemies; fight manfully against them this day, both with me, and for me. Be not faint-hearted in the Battel, nor for any thing discouraged. Set me before your eyes, and let me be your great example.*

To the Germans.

These Orations of the Kings, being from both Nations, with a horrid clashing of their Armour, and with chearful Vows, and Acclamations, answered; the King as chearfully then replied: *And now, my hearts, let us on bravely against our Enemies: And God prosper our endeavours.* Sprightly withal casting his eyes towards Heaven, he with a loud voice sent up this forcible Ejaculation, *Jesu, Jesu, Jesu, Vouchsafe thou this day, to be my strong helper; and give me courage this day to fight for thy glory, and the honour of thy great names sake.*

The Kings Prayer.

His Royal Person was that day waited upon by Duke *Francis Charles* of Saxon-Lawenburg, and by some of his Majesties own nearest Servants.

His Attendance.

The

The Lord *Crailsham* also, Great Master or Marshal of his Majesties Household, had the leading of a Body of Reformadoes, which were especially commanded to wait upon the Kings own person. And amongst these were our *English* and *Scottish* Gentry and Officers, whom the King had at *Schlenfing* heretofore reformed. Of this Body (which consisted of several Nations) were there still seven or eight to be close about the King, ready to be sent with Orders up and down the Army, who were still supplied by *Crailsham*. The King was that day attired, as usually he was accustomed, in a plain Buff Coat, and unarmed. Some report that a tenderness in his shoulder, where a Musquet Bullet had a long time stuck, would not suffer him to endure Armour. And therefore when he was this morning desired to put on his Corset, he said, *The Lord was his Armour*; and refused it.

His Watch-word.

The Kings Watch-word, was the same which had been of so good an Omen before at *Leipsich*, *Gott mit uns*, *God with us*. The General *Walensteins* being now the same which *Tillies* then was, *Jesus Maria*. This was the Kings order of embattailing his whole Army, which now (after he had left some at *Naumburgh*, and at *Weisenfels*, was between 17 and 18000 men) he divided into two Fronts; and each of these into the Wings and Battel, with their Reserves. Each of the Wings was composed of six several Regiments or Squadrons of Horse, lined with five several Bodies of commanded Musquetiers; every one of which Bodies had two small Drakes or Field-Pieces, which advanced playing still before them. The Battel in each Front, consisted of four Brigades of Foot, a Reserve of Front, and a Reserve of Horse hindmost of all, betwixt the two middle Brigades of the Reer, or second Front. Before each Brigade marched six Pieces of greater Ordnance. And this was the first sight of the Figure.

His Order.

The Right Wing was led by the King himself; the first Brigade Bodies of Commanded Musquetiers, were commanded by the Count of *Eberstein*. The Horse Squadrons of the Left Wing were committed unto the Glory of the Day, Duke *Bernard* of *Saxon-Weymar*. The five Bodies of Foot in the Left Wing, were the charge of the Colonel *Gersdorff*. The Battel made up of the four Brigades of Foot, was commanded to the Swedish Count of *Neeles*, Colonel of the Kings Life-guards. The four Foot Brigades of the second Front, or Reer, were commanded by *Dodo Kniphausen*, Serjeant Major General of the whole Army, to whose fair Conduct the Victory is also much beholden. The Horse of the Right Wing were entrusted to Colonel *Claus Conrad Zorn* of *Bulach*, by which name of *Bulach* he is commonly known. The Horse of the Left Wing were committed to Prince *Ernest* of *Anhalt*. The Reserve of Foot was commanded by Colonel *John Henderson* a Scottish Gentleman: and the Reserve of Horse by Col. *Oeme* of the *Palatinate*.

*Walensteins*  
Order.

The Imperial Army had his Excellency the Generalissimo thus ordered. He first drew it all up into one mighty Front: which he then divided into three Bodies. His Right Wing of Horse (whose end was near the Town of *Lutzen*) was committed to the Count *Ridolfo Coloredo*, that day Serjeant Major General of the Army. This Wing had also its Commanded Musquetiers, besides some others that were lodged in the Gardens by the Town aforesaid. This Wing having also the advantage of the Windmills, and their Hills, by the Town side, made use of those Natural Batteries for the planting of nine Pieces of Ordnance; the Mills and Millers

House



House serving them also for a good shelter. The Battle or middle Ward, was commanded by the Duke of *Fridland* himself, whose place was said to be in the head of that great Regiment of *Piccolominies* Horse, which was in the very middle of the Foot Regiments. The left Wing opposite to the right Wing, was led by Colonel *Hendrick Holck*, newly made Lieutenant-Felt-Marshal unto *Pappenheim*, who but commanded untill Felt-Marshal *Pappenheim* should be come into the Field.

All this Imperial Order of Embattailing, is presented in one mighty Front; so namely, as it appeared to the Kings people, and to him that took the Figure of it: since (very largely) Cut and Imprinted in Copper, by *John Jacob Gabler* of *Leipsich*; who also by the Kings own directions, after the Battle at *Leipsich*, made a description last year, and set forth the Figures of the Battle of *Leipsich*. And the manner of the same Figures of the Battle of *Leipsich*, we have in have in this also followed. We know that betwixt every Brigade of Foot, there should be so much room left, as that another Brigade might advance up in the distance between them being the breadth of one of them.

Having thus described the Order, the Field of the Battle would next be considered of. The King had a North-Easterly march of it, from *Naumburgh* towards *Lutzen*; so that the rising of the Sun was something within a while favourable. The Wind also (that little that was) blew fairly for him; so that the King very joyfully spake it, *I thank God I have both Wind and Sun to favour me.*

The Country was a goodly vast Level and Campaign as Corn Lands could be, even as far almost as the Eye could rove over. And yet was the place of Battle subject to as many accidents (and *Walenstein* was Master of them all) as a plain Country almost could be. The King right in his way of advancing, had a wet Ditch (made by hand) called the *Flossgraben*, cut traverse to him, so that he was fain to edge about to the Right with his whole Army, to pass by it; and then to edge as much to the Left again, to put himself right before the Enemy. The Imperial Army was embattled all along beyond a broad High-way, which led from *Lutzen* unto *Leipsich*. On this side of this, was there a kind of a broad Drain, or a Ditch, which served for bounding and saving the Plowed Lands, and to keep withall the High-way the drier. This had *Walensteins* Pioneers bestowed some cost upon: so that putting some Commanded Musquetiers down into it, it served them as well as a Trench or Brest-work. This was so troublesom for the Kings Horsemen, that many of them were overturned and left behind, in the getting over to charge *Walenstein*; for indeed there were divers Gapsthrough it, which the Horse justling for, overturned one another. The ground also, behind the Ditch, had two little risings, and those did *Walenstein* make choice of, for the planting of some Pieces. That part of the High-way also towards *Lutzen*, had an old Trench or dry Ditch drawn to it, which being nothing of it self, but a Boundary for Lands; that also did *Walenstein* put Musquetiers into, which served them like the High-way Ditch, for a Parapet or Brest-Work. A pretty distance beyond the High-way, near unto the Town of *Lutzen*, were there three or four Windmills, amongst which, another Party stood. Behind these had *Walenstein* lodged some Musquetiers, and the Mill-hills served as natural Batteries for him to plant nine Pieces of Ordnance upon. Between the Mills and the Town, were there divers Gardens with Mud-walls round about them; and in these also (in one of them three hundred being after found dead) had he caused

The Figure  
described.



Musquetiers to be placed. *Leipsich* High-way, as it went sloping along, so had he caused his men to bend and hang towards it.

And now to the Action. The Sun having by nine of the Clock clearly dispelled the Fog, it proved as promising a morning as ever was sixth of *November*. And now the King shot his loosing or Warning-piece; and so advanced.

The King  
advances.

Being passed the the *Floss-graben*, he left also the Dorp of *Chursitz* behind him: betwixt which and his Army, he left his Coach and his Ammunition Wagons, of which there were not above 100 at most, the King having left the rest at *Naumburgh*, with no purpose of fighting. The King advanced, till he came with the end of his right Wing within Musquet-shot of a little Wood: having all the way a full view of the Imperial Army.

That *Walenstein* much over-powered the King in number, may appear by the mighty long Front that he put out, near two English miles from one Wings end to the other. This is also to be considered, that *Walensteins* Discipline is to march ten deep in a File; whereas the King was no more but six deep of Foot, (I mean) and of the Horse but three or four deep, according as the Brigades were either stronger or weaker. Besides this, that *Walensteins* Files were all the way almost as deep again; his Ranks also were in Front so much longer, that the King was fain to send for *Bulach*, and all the Squadrons of Horse, from the right Wing of the Reer, or second Front, to imp out his Feathers at the end of the right Wing, for fear that *Walenstein* should surround him. These Squadrons, when General Major *Kniphausen* found out of their places, he sent a Gentleman to his Majesty, to know whether he had otherwise employed them. The King was at the same time likewise sending the Duke of *Saxon-Lawenburg* unto *Kniphausen*, to tell him that he would but use them in that first Charge, and then return them back again to their Order. The Duke meeting with the Gentleman, and telling him thus much, both then returned to their places.

The King wondred not a little at it, when he saw how fair a Clew *Walenstein* spread; affirming to those about him, That if he had any Seconds behind his first Front, he could not judge him to be less than 30000.

True it is indeed, that *Walenstein* had given out *Proviand* Commissions for 40000. and sometimes for 50000. Men; but yet had he not so many fighting Men, for that there were at least 10000 Women, Servants, and Children, and such Hangbies belonging to the Army, which are to be discounted. Besides this, it is to be considered, that *Walenstein* had but one Front, and the King two. So that we may well allow *Walenstein* to be 20000 in the first Front, at the very first ordering of the Battle. After which accounting those that were still coming in, eventill 10 a Clock, and *Papenheims* Horse and Dragoons, which came in about One or Two of the Clock; and his Foot, (who, as was thought made the second fierce Charge towards night,) and then (doubtless) these could not be fewer than 10 or 12000 which made up in all 30000 fighting men.

The Armies being come within Cannon-shot, the great Ordnance began to play one upon another terribly. The Air roar'd, and the Earth trembled, and those manly hearts that feared not dying, were yet very loth to have no more play for their lives, than to be beaten to pieces with the Bullet of a Cannon. And here had *Walenstein*, surely, a great advantage over the Kings Army: for his Ordnance being all ready planted upon steddly and fixt Batteries, the Cannoneers traversed their



their Pieces, and delivered their Bullets with more aim than the Kings men could possibly, who gave fire in motion still, and advancing. His Majesties Cannon, ever as a Piece was discharged, was there left to be brought after; the Army still advancing, and marching away from it. The King liked not this sport, for that the Imperial Cannon did his men far more spoil and execution, than he possibly could again return them. Seeing therefore no good to be done this way, he causes his Army to advance upon the very mouth of the Cannon, and to charge towards the High-way, and to beat out those Musquetiers that were lodged in it.

The Imperial Army stood their ground all this time, expecting that the fierceness of their Enemies Charge, would indifferently well be abated by that time they had beaten out those Musquetiers, and had put themselves out of Order and Breath, with scrambling over the Ditches. And indeed the place being almost mans height, many of the Kings Horsemen were there left tumbling up and down; but of the rest that got over, this was the order of their Charge: The Commanded Musquetiers, and the Foot of the *Suedes* Brigade having cleared the Highway. The whole Front advanced to charge together.

This whilst they were doing, the little Drakes or Field-Pieces (two of which marched before every body of Musquetiers that lined the Horse of the Wings) were first fired, and the Musquetiers at the same time giving their first *Salve*, the Horse then charged home upon the Imperial Horse, by the Drakes and Musquetiers, something before disordered. This Order was held in the first Charge by the whole Front of the Army.

The Order of  
the first  
Charge.

But I must now leave the Battle and left Wing engaged, to speak of the Right Wing: First, where the King in person commanded.

The King at his first advancing, having observed whereabouts in the Imperial left Wing (now opposite to him) the Crabats were marshalled; and where the Curiafiers, who were compleatly armed in black Harnes Cap-a-Pee, he calls the *Finnish* Colonel *Stolhaufse* to him, (as 'tis likely he did other Colonels, as he rode along) and pointing to the Enemy, *As for those Fellows* (meaning the Crabats) *I care not for them*, says the King, *but Charge me those black Fellows soundly, for they are the men that will undo us*. Thus much did *Stolhaufse* himself oftentimes (and at Table) relate unto divers Gentlemen of the *English* and *Scottish* Nation; some of which tell the Kings words from *Stolhaufses* mouth, this way; *Charge me those black Fellows soundly, for 'tis prophesied they shall be the ruine of me*. But this word Prophecie, others confess that they heard not.

The Kings  
Speech of the  
Imperial Cu-  
riafiers.

The King was designed to fight, at the head of the *Smolanders* Squadron, himself was still the foremost, with his Pistol in one hand, and his Sword in the other. The *Ostro Goths*, or the *Uplanders* did now advance and charge the Enemy. Perchance these three now got the start, and were something more forward than the three Squadrons of the *Ingermanlaenders*; the *West Goths*, and the *Finlanders*, towards the end of the Wing.

The Coura-  
gioufness of  
the King.

These three Squadrons, indeed, fell not on at the same place with the King, but advanced directly upon the Faces of those three Imperial Regiments of Curiafiers. Nor were they blamed after the Battle for any slackness, or not charging: For that the King (as we told you) had ordered *Stolhaufse* to charge these Curiafiers soundly. And as for



The Crabats  
wheeling a-  
bout upon the  
Kings Wa-  
gons.

Are beaten  
off by *Bulach*.

*Bulach*, and those Squadrons of his, now placed to the right hand of *Stolhaufse* and his *Fins*, they were in the very beginning of the Encounter so diverted, that they could not charge right forward, as the King expected. And for that, this is the true Reason. That Regiment of Crabats in the very end of the Imperial left Wing, did in the very beginning of the Charge, wheel about betwixt the Wood and the end of the Kings right Wing, and there endeavour to fall upon the Swedish Ammunition Wagons in the Reer of the Army. These Crabats would have made a foul pudder among the Ammunition, and have blown up most of the Powder doubtless, had not *Bulach* had an eye of them. He giving a home Charge upon them, beat them off from the Wagons for the present, but the Swedish Colonel facing about, to return to his own place again, was by the Crabats charged upon the Croops, and put to some disorder. And this Disarray is easie enough to be believed, for that the manner of the Crabats fighting, being but for a spurt, and in no good order: whosoever will answer their Charge, must necessarily do it in disorder too, or else they cannot follow the Crabats, to do any good upon them. And just now fell the Mist again, which did this good in that part of the Battel, that this disorder among the Swedish Horse was not discerned, and so no advantage taken of it.

In this *interim*, yea, at this instant, it is said the King was slain, it being 11 of the Clock when the Mist fell again.

All this while are the Imperialists Masters of the Kings Body, and of the Ground they had beaten the *Suedes* from. They had the King in their possession, and there they stript him, every man being greedy to get some part of his Spoils, that they might hereafter glory to have taken it from the King of *Sweden*.

Several Reports there went abroad the Army, of the Circumstances of his manner of dying, some relating it one way, and some another; but all with sorrow agree he was slain.

The Noise of the Kings death was presently dispersed abroad; but yet belief was not fully given to it, for that some Prisoners affirmed he was but hurt, and carried in a close Coach, following his white Ensign. The Swedish Prisoners that reported him to be but wounded, were those that were taken so soon as ever he offered to retreat. But that they said he was carried off in his Coach, &c. was their judgment, that being wounded, it was likely he would go off in his Coach, which at first stood behind the White Regiment, but was gone out of the Field when the Crabats fell upon the Kings Waggon.

The Kings  
death concea-  
led from his  
own Army.

His death was not certainly known, but to some few of the Great Ones, (no not to those of his own Wing) for 24 hours after: all believing what was, either by Art or Errour, given out, how that he was but carried off wounded.

Return we now into the Battel, and to the right Wing again. The Mist that we before told you of, was not (by their own side) judged to be any way prejudicial, but advantageous rather unto the Swedish; seeing that the Imperialists, who had now the better of it, were by the falling of this Mist so arrested, as that they pursued not the Retreat which they had put the Swedish unto. The Rumour likewise of the Kings death, made them so to clutter about the Body, that also staid them.

All this while were the four Foot Brigades of the Swedish Battel, pell-mell at it: And they (even by my *Spaniards* confession) got ground  
apace



apace of those Imperialists whom they had attacked. And now also did *Stolkanthe* ( who certainly had an *Item* given him of the Kings death, or great danger ) charge so fiercely towards that very place, that he beat off the Imperialists, and recovered the Body ; which he brought off naked , after it had been a full quarter of an hour in the Enemies possession. And now was *Piccolomines* Regiment soundly peppered : The *Swedish* both Foot and Horse, after an hours fight, beating all the Imperialists along before them, till they had driven them to the very Gallows behind them. And now did the *Swedish* get possession of those seven Pieces of Ordnance of *Piccolomines*. These Ordnance were the easier to be taken, for that they plaid not ; *Walensteins* Powder-Waggons were by mischance blown up, so that his Cannon were scarce heard of all the day after.

And thus ended the second Charge : For by this time was the Mist become so extraordinary, and by the smoak so thickened, as the *Swedes* could not see how to pursue their advantage ; and here was the Mist become as beneficial to the Imperialists, as it had been favourable before unto the *Swedish*. In this time fell there so terrible an affrightment in the Imperial Army, that 1000, or 1500 Dutch Horse ran all away together. One of them was by a Gentleman of our Nation ( then Prisoner in their Rear ) over-heard to say : *Oh I know the King of Sweden well enough, I have served him ; he is best at the latter end of the day.* But the chief fright was among the Ladies, the Captains Wives, and other Women, then behind the Army. Many Gentlewomen got out of their Coaches, cut asunder the Harness, and mounted stradlings upon the bare horse backs, and away they spudded among the Souldiers. Now went the Waggon-horses and the Ordnance-horses to it, all were ridden away with, divers Women and Children were there trodden to death : Nor would the Horsemen turn head, notwithstanding they heard the Charge presently again renewed, and those about the Mills all this time at it, Till they were gotten over a Pass, four or five English Miles from the place of Battel. The fright so pursued them, though no body else did, That coming to this Pass, the Officers drew out their Swords, and lasht and beat off the Souldiers to give them way to get over. There were at least four or five thousand People of them, and they quartered themselves confusedly up and down in the Villages which the Boors had forsaken : Nor durst they ever return into the Battel. Amongst these was my Author carried away : From whom I learned it.

After a little pause, the Count of *Pappenheim*, with his Horse and Dragoons, arrived ; whom some will needs have to have been in person at the beginning of the Battel. By his coming was the Charge thereabouts renewed. He put himself into the Imperial left Wing, ( which was most distressed, and which had been reserved for him : ) to be opposite to the *Swedish* right Wing ; where he supposed the King in Person had commanded. Just as he was ordering his Horse, he was struck with a Bullet of a Falconet, or small Sling-piece, about the shoulder, of which he died presently : Even so soon as he was taken down from his horse, to have been carried into *Leipsich*. This was a brave fighting Gentleman, whose body was by *Walenstein* carried into *Prague* ; where it was to be seen publickly. The Emperour ( as a little French Relation affirmeth ) had newly sent the Collar of the Golden Fleece unto him and *Walenstein* : Which honour before ever he received, he was, in the place where he should have worn his Order, thus dubbed with a Sling-piece.

He



He had made his Will a little before : Had Shrivven himself, and Communicated at a dry Mass : And made this short Testament upon it. His Soul, he commended to God, his Body ( if he were slain ) to the Emperour ; and his Wife and Children unto *Walenstein*.

He being short, his Officers, flocking about him, were heard to cry, *Oh ! our General is slain* : Immediately whereupon his Horse turned head, and ran out of the Battel without stroke striking, back again towards the *Wefer*, and the Lower Saxony.

But the *Walensteiners*, whom *Pappenheims* coming had set on, fell to it closely : *Piccolomini* advanced, and *Terfca* with their Cavalry ; and the Foot Regiments seconded them with extremity of resolution. And now began the forest, the longest, and the obstinatest Conflict, that had been since the King was killed. The Charge was sustained by the Swedish, with much gallantry, and never was Battel better fought : Nor seldom have Battalions ever stood, amongst whom so much spoyl hath been committed. Full two hours were they in hot Battel. On the Imperial side was *Piccolomini* twice or thrice shot ; Sergeant Major *Brunner* slain, and so was a young Count of *Wallenstein*. The Abbot *Fulda* was at this Charge also slain. And think then how many Officers and Common Souldiers was it likely that these great Commanders did take along to wait upon them to the next world.

On the *Swedes* side, the chief of the spoyl light upon the two middlemost Brigades of Foot belonging unto *Grave Neels*, and Collonel *Winckle* : The Imperialists charged with so much fury, and with Battalions of two or three thousand in a Regiment, that they by force drove the Swedish to the retreat in the plain field, and (as the most say) even then recovered their seven Pieces of Ordnance. *Grave Neeles*, Colonel of the Life-guards ( which is the Yellow Regiment ) was there shot a little above the knee, of which, being carried off spoyled, he after died. Out of this Brigade, did the Imperialists carry away seven Colours, and to tell the truth, the Kings own Company, which served here among the Guards, lost their own Ensign or Standard Royal too. He that had carried the Colours was after seen with his Sword in his hand, but his Clout was missing.

Colonel *Winckles* Blue Regiment likewise found as hard treatment. Himself ( brave man ) was shot in the Arm a little above the Elbow, and in the hand, and carried out of the Battel. His Lieutenant, *Casspar Wolff*, was slain upon the place, and most of his Colours taken. These two Brigades were of the flower of the Army ; old Souldiers of seven or eight years service, ( the most of them ) and whom the King had there placed, for that he most relied on them. These old Blades stood to their Arms stoutly ; and the adverse Writers confess, that their dead bodies now recovered the same ground, which living they had defended. These were old beaten Souldiers indeed, but it was so long since they had been last beaten, that they had by this time forgotten to run away. This is the reason they were so shattered ; that when, towards night, they were to have fallen on again, both these Brigades put together, could not make one Squadron strong, which is but the third part of one of them.

The *Swedes* Brigade fared something better, because near unto the Horse : And yet there came not above four hundred off, alive or unwounded. Duke *Bernards* Brigade was something more out of Gun-shot, for that they were next the Horse of the left Wing. Yet here was Colonel *Wildestein* shot in the Brest, of which he after died : Duke

*Bernard*



*Bernard*, Lieutenant Col. *Winkler* being slain upon the place. In this fore bickering, the spoyl, on the Imperial side, fell mostly upon old *Bruners* and young *Walensteins* Regiments, both which were here killed; with full half, if not two thirds of the Souldiers. These Regiments performed their duties so valiantly, and *Walenstein* himself took such special notice of them, that he a long time after (if not still) maintained them in his own house at *Prague* for it. *Henderfons* Reserve of Foot in the mean time had also their share in the knocking: One of the Offices and uses of the Reserve, being still to supply and second where most need is; with fresh men to dearn up the holes, and stop up the gaps of the slaughtered. And whereas those four Brigades of the Van had so terribly been shattered, General-Major *Kniphausen* had out of his care sent up these two Brigades of the Count of *Thurn*, and the Colonel *Mitzlaff* to relieve them. After a while he sent them up those four Squadrons of Horse, who so well (altogether) restored the encounter, that the Imperialists began to give ground; which the *Swedes* so far pursued, till they had recovered the seven Pieces again, and four others at the left hand of them.

Look we now aside, to see what was done in the Reer, and left Wing, by *Kniphausen* and Duke *Bernard*. General Major *Kniphausen* having sent two Brigades of his four, and four Squadrons of Horse to the relief of the Vantguard, sent also his other two Horse Squadrons, commanded by the Prince of *Anhalt*, and the Lieutenant of Baron *Hoffkirch*, unto Duke *Bernard*. As for the other two Brigades of Foot, (his own and *Bosens*) together with *Oems* his Reserve of Horse, these did *Kniphausen* still keep by him in the Reer of the Battel.

Duke *Bernard* had as hard a Chapter of it, as any man against the Imperialists right Wing, at the Wind-Mills, and (surely) had the most renowned *Don Quixot* been there, there had been exercise enough for his valour at these Wind-Mills. Soberly, This was the hardest Post for advantage of situation, all the field over: And Count *Coloredo* as well maintained it against him. Never man did more gallantly behave himself (avoucht it) that first and last, in this and other places, he charged several times, one after another. And *Coloredo* gave Duke *Bernard* leave to charge all: He had so good an advantage of the two Ditches and the Wind-Mills, that he would not scarce offer upon Duke *Bernard*.

The brave young Duke, pressing on in the beginning of the fight, had set the Town of *Lutzen* on fire: His Reason being, that seeing if he would get the Wind-Mills, he must with the end of his Wing even touch (as it were) the very Walls of the Town. Should *Coloredo*, then, have first filled those Walls with Musketteers, they must needs have so sorely galled his Horsemen, that there had been no coming near: Nor could Horse and Pistols have done any service against Walls and Musketteers. In one of these Charges, did *Coloredo* so Thunder upon Duke *Bernard*, that the valiant Prince thought it not unsouldier-like done to shelter himself behind the Millers house.

At this time (as we told you) did Major *Kniphausen* keep his two Brigades, and *Oems* his Reserve, together un-engaged: Doing no more with them, than fair and softly advance them towards the Enemy; at such a time as he saw the Brigades of the Van to get any ground of them. The distance of his Reer from Front was about six hundred paces; and that scantling he still kept himself behind the other. This was no small occasion of the winning of the Battel: Seeing that so often as any of the

Van



Van were disordered, and put to the retreat ; they with him, still find a whole great Body together, unbroken, by the sight of which they resumed new courage, and were set in order again.

And very glad was Duke *Bernard* when, in the next breaking up of the Mist, he came and found *Kniphausen* in so good order ; whom ( as he openly professed ) he feared to have found all to pieces. For now, betwixt three and four of the Clock ( which was not long before Sun-set ) did the Mist break up ; and there was a fair half hour after it. At which time Duke *Bernard* going abroad, to over-view the posture and countenance of the Army : ( which since his hearing of the Kings death, the Mist and smoak had not suffered him to discover any thing of ) he came now along by the Battel unto the right Wing , speaking to the Officers and Souldiers, and encouraging them to a new on-set ; plainly he found the whole Army ( except *Kniphausens* part ) in no very good order ; which he and *Kniphausen* ( who took much good pains likewise about it ) did their best to reduce them to. When the word was given for a new Charge, *Alas Comrade*, ( said the poor Souldiers one to another ) *must we fall on again ? Come*, says the other, ( embracing him ) *Courage ; if we must, let us do it bravely, and make a day on't*. As Duke *Bernard* was leading on, the Imperial Generalissimo sent his two Colonels, *Perfca* and *Piccolomini*, to discover in that clear weather what the *Svedes* were a doing : Who brought his Excellency word again, that they were rallied about the Wood, and in very good order advancing towards him.

This ( no doubt ) made the Imperialists hearts quake to think upon the terrour of a fourth Charge. And now could the *Svedes* discover the Imperial Horse, retreating in indifferent good order towards the Wind-Mills : Whereupon they bringing forwards ten Pieces of Cannon, and turning those likewise upon them, which were before taken, they gave the Imperial Horse such a rousing *Salve* of great Ordnance, and charged so upon it, that they put them into disorder. And here ( as my Spanish Relator says ) did the Generalissimo light upon a slight fillip by a favourable Musket Bullet, which made no wound, but left a blew remembrance only upon him.

And now were the Imperialists beaten round about, even to the very Wind-Mills, the *Svedes* being Masters of the ground that they shouldered the others out of. But just now, a little before Sun-set, fell the fatal Mist again ; which so hastened on the night, that the *Svedes* could not well see which way to pursue their Enemies. Duke *Bernard*, in his coming back, was thus heard to say, *Merciful God ! but for this Mist, we had even now gotten the victory*. Hence went he back again over all the Battallions, to his own Post again, towards which he now perceived the Imperialists to be making.

And now by Sun-setting was all the Field clear of the Imperialists, excepting only about the Windmills : And there plainly were both *Coloredoes* and Duke *Bernards* men, slain off one from another, like two Duellers leaning on their Swords to break breath again. Certainly, they had so banged one another, that neither of both were in order : But either Party shot at adventure right forward, and let the Bullet find his own way, as it could, through that night of smoak and mistiness. Those Musketers which ( we told you ) were lodged in the mud-walled Gardens, were seen to give fire continually, but no men to be discerned. And the *Svedes* at adventure shot at them again : And as at  
night



night they got ground, they stormed into the Gardens; as if they had been to many Castles. Here the next day many were found dead, 300 in one of them.

And just in the edge of the Evening, when the Swedish well hoped all had been finished, had Duke *Bernard* fresh word brought him, that *Pappenheims* Foot were even now arrived from *Hall*, and were beginning a fresh Charge, about the Wind-Mills. Thus ran the word over the Army, *Pappenheims Foot are come, Pappenheims Foot are come.* This the Swedish believed.

Now was all the Service (after half an hours silence on both sides) turned into the Wind-Mills. The Imperialists courage, like the throws of a dying body, struggled hard at the last cast, for life; and made, for the time, as fierce a Charge of it, as any had the day before passed. To withstand this now, does *Kniphausen* bring his second fresh Brigades; with whom are the other two of *Thurns* and *Mitzlaffs* conjoined, that he had before sent to the relief of the Vantguard; which indeed, had not so cruelly been shattered. Now also Duke *Bernard*, rallying all the Horse together, advanced to the Charge. The Imperialists had a new put down some Musketers into the cross Ditch or Boundary of Lands, which not a little troubled the Swedish. Once or twice did they offer to force that Trench, and to storm over it: But it was so troublesome and dangerous in the dark, that they did but over-tumble one another, and were fain to keep on the other side of it, to bring on some Musketers, and from thence to give their Volleys. The best of it was, that it was not above 100 paces distant from the High-way, close behind which the Imperialists were ranged. That which most galled the Imperialists, was the Swedish Ordnance, which on the right-hand Flank of them, and on the nearer side of the High-way, were now turned upon them. This most cruel and hot fight continued till about five a Clock in the Evening, much about which time the *Walsteiners*, or *Pappenheimers*, or both together, fell off in the dark, and gave it quite over.

*A Decree of Star-Chamber concerning Printing, made the Eleventh day of July last past, 1637.*

In camera Stellata coram Concilio ibidem, undecimo die Julii, Anno decimo tertio Caroli Regis.

**T**His day Sir John Bankes Knight, his Majesties Attourney General, produced in Court a Decree drawn and penned by the advice of the Right Honourable the Lord Keeper of the Great Seal of England, the most Reverend Father in God the Lord Arch-Bishop of Canterbury his Grace, the Right Reverend Father in God the Lord Bishop of London, Lord High Treasurer of England, the Lord Chief Justices, and the Lord Chief Baron, touching the regulating of Printers and Founders of Letters, whereof the Court having consideration, the said Decree was directed and ordered to be here Recorded, and to the end the same may be publick, and that every one whom it may concern may take notice thereof, The Court hath now also ordered, That the said Decree shall speedily be Printed, and that the same be sent to His Majesties Printer for that purpose. Whereas the three and twentieth day of June, in the eight and twentieth year of the Reign of the late Queen Eliz. and before, divers Decrees and Ordinances have been made for the better government and regulating of Printers and Printing, which Orders and Decrees have been found by experience to be defective in some particulars; And divers abuses have since arisen, and been practised by the craft and malice of wicked and evil disposed persons, to the prejudice of the Publick; And divers libellous, seditious, and mutinous Books have been unduly printed, and other Books and Papers without Licence, to the disturbance of the Peace of the Church and State: For prevention whereof in time to come, It is now Ordered and Decreed, That the said former Decrees and Ordinances shall stand in force with these Additions, Explanations, and Alterations following, viz.

I. *Imprimis*, That no Person or Persons whatsoever shall presume to Print, or cause to be Printed, either in the parts beyond the Seas, or in this Realm, or other his Majesties Dominions, any seditious, Schismatical, or offensive Books or Pamphlets, to the scandal of Religion, or the Church, or the Government, or Governours of the Church or State, or Common-wealth, or of any Corporation, or particular Person or Persons whatsoever, nor shall import any such Book or Books, nor sell or dispose of them, or any of them, nor cause any such to be bound, stitched, or sowed, upon pain that he or they so offending, shall lose all such Books and Pamphlets, and also have, and suffer such correction, and severe punishment, either by Fine, Imprisonment, or other corporal punishment, or otherwise, as by this Court, or by his Majesties Commissioners for Causes Ecclesiastical in the High Commission Court respectively, as the several Causes shall require, shall be thought fit to be inflicted upon him, or them, for such their offence and contempt.



II. *Item*, That no Person or Persons whatsoever, shall at any time print or cause to be imprinted, any Book or Pamphlet whatsoever, unless the same Book or Pamphlet, and also all and every the Titles, Epistles, Prefaces, Proems, Preambles, Introductions, Tables, Dedications, and other matters and things whatsoever thereunto annexed, or therewith imprinted, shall be first lawfully licensed and authorized only by such Person and Persons as are hereafter expressed, and by no other, and shall be also first entred into the Registers Book of the Company of Stationers; upon pain that every Printer offending therein, shall be for ever hereafter disabled to use or exercise the Art or Mystery of Printing, and receive such further punishment, as by this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fitting.

III. *Item*. That all Books concerning the Common Laws of this Realm shall be printed by the especial allowance of the Lords Chief Justices, and the Lord Chief Baron for the time being; or one or more of them, or by their appointment; And that all Books of History, belonging to this State, and present times, or any other Book of State affairs, shall be licensed by the Principal Secretaries of State, or one of them, or by their appointment; And that all Books concerning Heraldry, Titles of Honour and Arms, or otherwise concerning the Office of Earl Marshal, shall be licensed by the Earl Marshal, or by his appointment; And further, that all other Books, whether of Divinity, Physick, Philosophy, Poetry, or whatsoever, shall be allowed by the Lord Archbishop of *Canterbury*, or Bishop of *London* for the time being, or by their appointment, or the Chancellours, or Vice-Chancellours of either of the Universities of this Realm for the time being.

Always provided, that the Chancellour or Vice-Chancellour of either of the Universities, shall Licence only such Book or Books that are to be Printed within the limits of the Universities respectively, but not in *London*, or elsewhere, not meddling either with Books of the Common Law, or matters of State.

IV. *Item*, That every Person and Persons, which by any Decree of this Court are, or shall be appointed or authorized to Licence Books, or give Warrant for imprinting thereof, as is aforesaid, shall have two several written Copies of the same Book or Books, with the Titles, Epistles, Prefaces, Proems, Preambles, Introductions, Tables, Dedications, and other things whatsoever thereunto annexed. One of which said Copies shall be kept in the publick Registries of the said Lord Archbishop, and Bishop of *London* respectively, or in the Office of the Chancellour, or Vice-Chancellour of either of the Universities, or with the Earl Marshal, or Principal Secretaries of State, or with the Lords Chief Justices, or Chief Baron, of all such Books as shall be licensed by them respectively, to the end that he or they may be secure, that the Copy so licensed by him or them shall not be altered without his or their privity, and the other shall remain with him whose Copy it is, and upon both the said Copies, he or they that shall allow the said Book, shall testifie under his or their hand or hands, that there is nothing in that Book or Books contained, that is contrary to Christian Faith, and the Doctrine

and Discipline of the Church of *England*, nor against the State or Government, nor contrary to good life, or good manners, or otherwise, as the nature and subject of the work shall require; which License or Approbation shall be imprinted in the beginning of the same Book, with the name or names of him or them that shall authorize or license the same, for a testimony of the allowance thereof.

V. *Item*, That every Merchant of Books, and Person and Persons whatsoever, which doth, or hereafter shall buy, import, or bring any Book or Books into this Realm, from any parts beyond the Seas, shall before such time as the same Book or Books, or any of them be delivered forth, or out of or their hand or hands, or exposed to sale, give and present a true Catalogue in writing of all and every such Book and Books unto the Lord Archbishop of *Canterbury*, or Lord Bishop of *London* for the time being, upon pain to have and suffer such punishment for offending herein, as by this Court, or by the said High Commission Court respectively, as the several Causes shall require, shall be thought fitting.

VI. *Item*, That no Merchant, or other Person or Persons whatsoever, which shall import, or bring any Book or Books into the Kingdom, from any parts beyond the Seas, shall presume to open any Dry-fats, Bales, Packs, Maunds, or other Fardals of Books, or wherein Books are; nor shall any Searcher, Waiter, or other Officer belonging to the Custom-house, upon pain of losing his or their Place or Places, suffer the same to pass, or to be delivered out of their hands or custody, before such time as the Lord Archbishop of *Canterbury*, or Lord Bishop of *London*, or one of them for the time being, have appointed one of their Chaplains, or some other learned man, with the Master and Wardens of the Company of Stationers, or one of them, and such others as they shall call to their assistance, to be present at the opening thereof, and to view the same: And if there shall happen to be found any seditious, schismatical, or offensive Book or Books, they shall forthwith be brought unto the said Lord Archbishop of *Canterbury*, Lord Bishop of *London* for the time being, or one of them, or to the High Commission Office, to the end that as well the Offender or Offenders may be punished by the Court of Star-Chamber, or the High Commission Court respectively, as the several Causes shall require, according to his or their demerit; as also that such further course and order may be taken concerning the same Book or Books, as shall be thought fitting.

VII. *Item*, That no Person or Persons shall within this Kingdom, or elsewhere, imprint, or cause to be imprinted, nor shall import or bring in, or cause to be imported or brought into this Kingdom, from, or out of any other his Majesties Dominions, nor from other, or any parts beyond the Seas, any Copy, Book or Books, or part of any Book or Books, Printed beyond the Seas, or elsewhere, which the said Company of Stationers, or any other Person or Persons have, or shall by any Letters Patents, Order, or Entrance in their Register Book, or otherwise, have the right, priviledge, authority, or allowance solely to Print, nor shall bind, stich, or put to sale, any such Book or Books, upon pain of loss and forfeiture of all the said Books, and of

such



such Fine, or other Punishment, for every Book or part of a Book so imprinted, or imported, bound, stiched, or put to sale, to be levied of the Party so offending, as by the power of this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fit.

VIII. *Item*, Every Person and Persons that shall hereafter Print or, cause to be Printed, any Books, Ballads, Charts, Portraiture, or any other thing or things whatsoever, shall thereunto, or thereon print, and set his and their own name or names, as also the name or names of the Author or Authors, Maker or Makers of the same, and by, or for whom any such Book, or other thing is, or shall be Printed, upon pain of forfeiture of all such Books, Ballads, Charts, Portraits, and other thing or things, Printed contrary to this Article; And the Presses, Letters, and other Instruments for Printing wherewith such Books, Ballads, Charts, Portraits, and other thing or things shall be Printed, to be defaced and made unserviceable, and the Party and Parties so offending, to be fined, imprisoned, and have such other corporal punishment, or otherwise, as by this Honourable Court, or the said High Commission respectively, as the several Causes shall require, shall be thought fit.

IX. *Item*, That no person or persons whatsoever, shall hereafter Print, or cause to be Printed, or shall Forge, Put, or Counterfeit, in, or upon any Book or Books, the Name, Title, Mark or Vinnet of the Company or Society of Stationers, or of any particular person or persons, which hath, or shall have lawful Priviledge, Authority, or Allowance to print the same, without the consent of the said Company, or Party, or Parties, that are or shall be so priviledged, authorized, or allowed to Print the same Book or Books, Thing or Things, first had and obtained, upon pain that every person or persons so offending, shall not onely lose all such books and other things, but shall also have and suffer such punishment, by imprisonment of his Body, Fine, or otherwise, as by this Honourable Court, or High Commission Court respectively, as the several Causes shall require, it shall be to him or them limited or adjudged.

X. *Item*, That no Haberdasher of Small Wares, Ironmonger, Chandler, Shop-keeper, or any other person or persons whatsoever, not having been seven years Apprentice to the Trade of a Bookseller, Printer, or Book-binder, shall within the City or Suburbs of *London*, or in any other Corporation, Market-Town, or elsewhere, receive, take, or buy, to barter, sell again, change or do away any Bibles, Testaments, Psalm-Books, Primers, Abces, Almanacks, or other Book or Books whatsoever, upon pain of forfeiture of all such Books so received, bought or taken as aforesaid, and such other punishment of the Parties so offending, as by this Court, or the said High Commission Court respectively, as the several Causes shall require, shall be thought meet.

XI. *Item*, For that Printing is, and for many years hath been an Art and Manufacture of this Kingdom, for the better encouraging of Printers in their honest, and just endeavours in their Profession, and prevention of divers Libels, Pamphlets, and seditious Books Printed beyond the Seas in English, and thence transported hither;

It is further Ordered and Decreed, that no Merchant, Bookseller, or other person or persons whatsoever, shall imprint, or cause to be imprinted, in the Parts beyond the Seas, or elsewhere, nor shall import or bring, nor willingly assist or consent to the importation or bringing from beyond the Seas into this Realm, any English Books, or part of Book, or Books whatsoever, which are or shall be, or the greater, or more part whereof is or shall be English, or of the English Tongue, whether the same Book or Books have been here formerly Printed, or not, upon pain of the forfeiture of all such English Books so imprinted or imported, and such further Censure and punishment, as by this Court, or the said High Commission Court respectively, as the several Causes shall require, shall be thought meet.

XII. *Item*, That no Stranger or Foreigner whatsoever, be suffered to bring in, or vent here, any Book or Books printed beyond the Seas, in any Language whatsoever, either by themselves or their secret Factors, except such onely as be free Stationers of *London*, and such as have brought up in that Profession, and have their whole means of subsistence and livelihood depending thereupon, upon pain of Confiscation of all such Books so imported, and such further penalties, as by this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fit to be imposed.

XIII. *Item*, That no person or persons within the City of *London*, or the Liberties thereof, or elsewhere, shall erect or cause to be erected any Press or Printing-house, nor shall demise, or let, or suffer to be held or used, any House, Vault, or Celler, or other Room whatsoever, to, or by any person or persons, for a Printing-house, or place to Print in, unless he or they which shall so demise or let the same, or suffer the same to be so used, shall first give notice to the said Master and Wardens of the Company of Stationers for the time being, of such demise, or suffering to Work or Print there, upon pain of imprisonment, and such other punishment as by this Court, or the said High Commission Court respectively, as the several Causes shall require, shall be thought fit.

XIV. *Item*, That no Joiner or Carpenter, or other person, shall make any Printing-press, no Smith shall forge any Iron-work for a Printing-press, and no Founder shall Cast any Letters for any person or persons whatsoever, neither shall any person or persons bring, or cause to be brought in from any parts beyond the Seas, any Letters Founded or Cast, nor buy any such Letters for Printing; unless he or they respectively shall first acquaint the said Master and Wardens, or some of them, for whom the same Press, Iron Works, or Letters are to be made, forged, or cast, upon pain of such Fine and Punishment, as this Court, or the High Commission Court respectively, as the several Causes shall require, shall think fit.

XV. *Item*, The Court doth declare, that as formerly so now, there shall be but Twenty Master Printers allowed to have the use of one Press or more, as is after specified, and doth hereby nominate, allow, and admit these persons whose names hereafter follow, to the number of Twenty, to have the use of a Press, or Presses and Printing-house, for the time being, viz. *Felix Kingston, Adam Islip, Thomas Purfoot, Miles*  
*Fletcher,*



*Flesher, Thomas Harper, John Beal, John Legat, Robert Young, John Haviland, George Miller, Richard Badger, Thomas Cotes, Bernard Alsop, Richard Bishop, Edward Griffin, Thomas Purslow, Richard Hodgkinson, John Dawson, John Raworth, Marmaduke Parsons.* And further, the Court doth Order and Decree, That it shall be lawful for the Lord Archbishop of *Canterbury*, or the Lord Bishop of *London*, for the time being, taking to him or them six other High Commissioners, to supply the place or places of thole, which are now already Printers by this Court, as they shall fall void by Death, or Censure, or otherwise: Provided that they exceed not the number of Twenty, besides his Majesties Printers, and the Printers allowed for the Universities.

XVI. *Item*, That every person or persons, now allowed or admitted to have the use of a Press, and Printing-house shall within ten days after the date hereof, become bound with Sureties to his Majesty in the High Commission Court, in the sum of three hundred pounds, not to Print, or suffer to be Printed in his House or Press, any Book or Books whatsoever, but such as shall from time to time be lawfully licensed, and that the like Bond shall be entered into by all, and every person and persons that hereafter shall be admitted or allowed to Print, before he or they be suffered to have the use of a Press.

XVII. *Item*, That no allowed Printer shall keep above two Presses, unless he hath been Master or Upper Warden of his Company, who are thereby allowed to keep three Presses and no more, under pain of being disabled for ever after to keep or use any Press at all, unless for some great and special occasion for the Publick, he or they have for a time leave of the Lord Archbishop of *Canterbury*, or Lord Bishop of *London* for the time being, to have or use one or more, above the foresaid number, as their Lordships, or either of them shall think fit. And whereas there are some Master Printers that have at this present one, or more Presses allowed them by this Decree, the Court doth further Order and Declare, That the Master and Wardens of the Company of Stationers, do forthwith certifye the Lord Archbishop of *Canterbury*, or the Lord Bishop of *London*, what number of Presses each Master Printer hath, that their Lordships, or either of them, taking unto them six other High Commissioners, may take such present order for the suppressing of the supernumerary Presses, as to their Lordships, or to either of them shall seem best.

XVIII. *Item*, That no person or persons do hereafter reprint, or cause to be reprinted, any Book or Books whatsoever (though formerly Printed with Licence) without being reviewed, and a new Licence obtained for the Reprinting thereof. Always provided, that the Stationer or Printer be put to no other charge hereby, but the bringing and leaving of two printed Copies of the Book to be printed, as is before expressed of written Copies, with all such Additions as the Author hath made.

XIX. *Item*, The Court doth Declare, as formerly so now, That no Apprentices be taken into any Printing-house, otherwise than according to this proportion following, (*viz.*) every Master Printer that is, or hath been Master or Upper Warden of his Company, may have three Ap-

prentices.

prentices at one time and no more, and every Master-Printer that is of the Livery of his Company, may have two Apprentices at one time and no more, and every Master-Printer of the Yeomanry of the Company may have one Apprentice at one time and no more, neither by Copartnership, binding at the Scriveners, nor any other way whatsoever; neither shall it be lawful for any Master-Printer when any Apprentice or Apprentices shall run or be put away, to take another Apprentice, or other Apprentices in his or their place or places, unless the name or names of him or them so gone away, be raced out of the Hall Book, and never admitted again, upon pain of being for ever disabled of the use of a Press or Printing-house, and of such further punishment, as by this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fit to be imposed.

XX. *Item*, The Court doth likewise Declare, That because a great part of the secret Printing in Corners, hath been caused for want of orderly employment for Journeymen-Printers, Therefore the Court doth hereby require the Master and Wardens of the Company of Stationers, to take especial care that all Journeymen-Printers, who are Free of the Company of Stationers, shall be set to work, and employed within their own Company of Stationers; for which purpose the Court doth also Order and Declare, That if any Journeyman-Printer, and Free of the Company of Stationers, who is of honest and good behaviour, and able in his Trade, do want Employment, he shall repair to the Master and Wardens of the Company of Stationers, and they or one of them, taking with him or them one or two of the Master-Printers, shall go along with the said Journeyman-Printer, and shall offer his Service in the first place to the Master-Printer under whom he served his Apprentiship, if he be living, and do continue an allowed Printer, or otherwise to any other Master-Printer whom the Master and Wardens of the said Company shall think fit. And every Master-Printer shall be bound to employ one Journeyman, being so offered to him, and more, if need shall so require; and it shall be so adjudged to come to his share, according to the proportion of his Apprentices and Employments, by the Master and Wardens of the Company of Stationers, although he the said Master-Printer with his Apprentice or Apprentices be able, without the help of the said Journeyman or Journeymen to discharge his own Work, upon pain of such punishment, as by this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fit.

XXI. *Item*, The Court doth Declare, That if the Master and Wardens of the Company of Stationers, or any of them, shall refuse or neglect to go along with any honest and sufficient Journeyman-Printer, so desiring their assistance, to find him employment, upon complaint and proof made thereof, he or they so offending, shall suffer imprisonment, and such other punishment, as by this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fit to be imposed. But in case any Master-Printer hath more employment than he is able to discharge with help of his Apprentice or Apprentices, it shall be lawful for him to require the help of any Journeyman or Journeymen-Printers, who are not employed; and if the said Journeyman or Journeymen-Printers so required, shall refuse employment, or neglect it when he or they have undertaken it, he or they shall suffer imprisonment, and undergo such punishment as this Court shall think fit.

XXII. I-



XXII. *Item*, The Court doth hereby Declare, That it doth not hereby restrain the Printers of either of the Universities from taking what number of Apprentices for their Service in Printing there, they themselves shall think fit. Provided always, that the said Printers in the Universities shall imploy all their own Journymen within themselves, and not suffer any of their said Journymen to go abroad for Employment to the Printers of *London*, (unless upon occasion some Printers of *London* desire to imploy some extraordinary Workman or Workmen amongst them, without prejudice to their own Journymen, who are Freemen) upon such penalty as the Chancellor of either of the Universities for the time being, shall think fit to inflict upon the Delinquents herein.

XXIII. *Item*, That no Master-Printer shall imploy either to work at the Case, or the Press, or otherwise about his Printing, any other person or persons, than such onely as are Free-men, or Apprentices to the Trade or Mystery of Printing, under pain of being disabled for ever after to keep or use any Press or Printing-house, and such further punishment as by this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fit to be imposed.

XXIV. *Item*, The Court doth hereby Declare their firm resolution, that if any person or persons that is not an allowed Printer, shall hereafter presume to set up any Press for Printing, or shall work at any such Press, or Set, or Compose any Letters to be wrought by any such Press; he or they so offending, shall from time to time, by the Order of this Court, be set in the Pillory, and Whipt through the City of *London*, and suffer such other punishment, as this Court shall Order or think fit to inflict upon them, upon complaint or proof of such offence or offences, or shall be otherwise punished, as the Court of High Commission shall think fit, and is agreeable to their Commission.

XXV. *Item*, That for the better discovery of Printing in Corners without Licence; The Master and Wardens of the Company of Stationers for the time being, or any two licensed Master-Printers, which shall be appointed by the Lord Arch-bishop of *Canterbury*, or Lord Bishop of *London* for the time being, shall have power and authority to take unto themselves such assistance as they shall think needful, and to search what Houses and Shops (and what time they shall think fit) especially Printing-houses, and to view what is in Printing, and to call for the Licence to see whether it be licensed or no; and if not, to seize upon so much as is printed, together with the several Offenders, and to bring them before the Lord Archbishop of *Canterbury*, or the Lord Bishop of *London* for the time being, that they or either of them may take such further Order therein as shall appertain to Justice.

XXVI. *Item*, The Court doth Declare, that it shall be lawful also for the said Searchers, if upon Search they find any Book or Books, or part of Book or Books, which they suspect to contain matter in it or them, contrary to the Doctrine and Discipline of the Church of *England*, or against the State and Government, upon such suspicion to seize upon such Book or Books, or part of Book or Books, and to bring it, or them to the Lord Archbishop of *Canterbury*, or the Lord Bishop of *London*

for the time being, who shall take such further course therein, as to their Lordships, or either of them shall seem fit.

XXVII. *Item*, The Court doth Order and Declare, That there shall be four Founders of Letters for Printing allowed, and no more ; and doth hereby nominate, allow, and admit these persons, whose names hereafter follow, to the number of four, to be Letter-Founders for the time being, (*viz.*) *John Grismand, Thomas Wright, Arthur Nichols, Alexander Fifield.* And further, the Court doth Order and Decree, that it shall be lawful for the Lord Archbishop of *Canterbury*, or the Lord Bishop of *London* for the time being, taking unto him or them, six other High Commissioners, to supply the place or places of those who are now allowed Founders of Letters by this Court, as they shall fall void by Death, Censure, or otherwise.

Provided, that they exceed not the number of four, set down by this Court. And if any person or persons, not being an allowed Founder, shall notwithstanding take upon him or them, to Found or Cast Letters for Printing, upon complaint and proof made of such offence or offences, he or they so offending, shall suffer such punishment as this Court, or the High Commission Court respectively, as the several Causes shall require, shall think fit to inflict upon them.

XXVIII. *Item*, That no Master-Founder whatsoever, shall keep above two Apprentices at one time, neither by Copartnership, Binding at the Scriveners, nor any other way whatsoever ; neither shall it be lawful for any Master-Founder, when any Apprentice or Apprentices, shall run or be put away, to take another Apprentice, or other Apprentices in his or their place or places, unless the name or names of him or them so gone away, be rased out of the Hall Book of the Company whereof the Master-Founder is Free, and never admitted again, upon pain of such punishment, as by this Court, or the High Commission respectively, as the several Causes shall require, shall be thought fit to be imposed.

XXIX. *Item*, That all Journymen-Founders be employed by the Master-Founders of the said Trade, and that idle Journymen be compelled to work after the same manner, and upon the same penalties, as in case of the Journymen Printers is before specified.

XXX. *Item*, That no Master-Founder of Letters shall employ any other person or persons in any work belonging to the Casting or Founding of Letters, than such onely as are Free-men or Apprentices to the Trade of Founding Letters, save onely in the pulling off the Knots of Metal hanging at the ends of the Letters when they are first Cast, in which Work it shall be lawful for every Master-Founder to employ one Boy onely that is not, nor hath been bound to the Trade of Founding Letters, but not otherwise, upon pain of being for ever disabled to use or exercise that Art, and such further punishment, as by this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fit to be imposed.

XXXI. *Item*, That every person or persons whatsoever, which shall at any time or times hereafter, by his or their confession, or otherwise by proof be convicted of any of the offences, by this, or any other Decree of  
this



this Court made, shall before such time as he or they shall be discharged, and over and above their Fine and punishment, as aforesaid, be bound with good Sureties, never after to transgress, or offend in that or the like kind, for which he or they shall be so convicted and punished, as aforesaid; And that all and every the Forfeitures aforesaid (excepting all Seditious Schismatical Books or Pamphlets, which this Court doth hereby Order to be presently burnt) And except such Books as the Forfeitures are already granted by Letters Patents, shall be divided and disposed of, as the High Commission Court shall find fit. Always providing that one moiety be to the King.

XXXII. *Item*, That no Merchant, Master, or Owner of any Ship or Vessel, or any other person or persons whatsoever, shall hereafter presume to land, or put on Shore any Book or Books, or the part of any Book or Books to be imported from beyond the Seas, in any Port, Haven, Creek, or other place whatsoever, within the Realm of *England*, but only in the Port of the City of *London*, to the end the said Books may there be viewed, as aforesaid: And the several Officers of his Majesties Ports are hereby required to take notice thereof.

XXXIII. *Item*, That whereas there is an Agreement betwixt Sir *Thomas Bodley* Knight, Founder of the University Library at *Oxford*, and the Master, Wardens, and Assistants of the Company of Stationers, (*viz.*) That one Book of every sort that is new printed, or re-printed with Additions, be sent to the University of *Oxford* for the Use of the Publick Library there; The Court doth hereby Order and Declare, That every Printer shall reserve one Book new printed, or reprinted by him with Additions; and shall before any publick venting of the said Book, bring it to the Common Hall of the Company of Stationers, and deliver it to the Officer thereof, to be sent to the Library at *Oxford* accordingly, upon pain of Imprisonment, and such further Order and Direction therein, as to this Court, or the High Commission Court respectively, as the several Causes shall require, shall be thought fit.

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